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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 21 October 1998

Mercredi 21 octobre 1998

Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 21 October 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 21 octobre 1998

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### SENIORS' HEALTH SERVICES

**Mr Bruce Crozier (Essex South):** Yesterday over 300 seniors from the Alliance of Seniors to Protect Canada's Social Programs gathered from across Ontario to show their displeasure with the Harris government and how their current health and long-term-care policies are hurting the seniors of our province.

It is a sad day when the most senior members of our society feel it is necessary to protest and fight for what they're entitled to: respect, fair treatment and a high level of care from the health care system. It is a disgrace to see what the Harris government is not doing for those who need help and depend on programs that either no longer exist or are a shadow of what they used to be.

If organizations such as the Alliance of Seniors to Protect Canada's Social Programs don't speak up and protest, their voices will not be heard by this government.

It's interesting to note that the ministers of health and long-term care did not even send a representative to listen to stories of suffering and hardship due to the decline of our health care system. The descriptions of elderly friends being rushed through treatment so as not to take up valuable bed space and treated without the dignity and compassion that all in our society deserve was shocking.

Our community care access centres are turning to for-profit home care providers that provide care at lower cost. But at what cost?

The Alliance of Seniors to Protect Canada's Social Programs has had enough and is not going to take this abuse and neglect any more from the Harris government. I commend these seniors for having the courage to stand up and pledge to work to achieve the change and respect that the seniors of Ontario deserve.

#### PROPERTY TAXATION

**Mr Tony Silipo (Dovercourt):** Yesterday and today we see unfolding the next chapter in the ongoing property tax saga of the Mike Harris government.

We now have Ernie Eves threatening to bring in yet another bill, bill number 8 this will be, to fix another part of the problem. He's finally realizing and admitting,

although not in so many words but with his threatened action, that the property tax mess they have created is causing problems.

What they are seeing, and what we have seen in the actions of the government, is the realization that a problem they thought was limited to the confines of Toronto is in fact a provincial issue. It's hurting the ministers and it's hurting the government, because now they have such former Tory members as Markham mayor Don Cousens saying they are going to lead a revolution, a rebellion, down to Queen's Park if they don't fix this problem.

While I'm not particularly happy about the reasons that have led this government to finally realize that this is a problem — because the reasons, as I see them, have been more political than real in terms of understanding the problems they have caused for small businesses and for homeowners — I am glad that the minister and the government are finally admitting, as I say, not in words but in their actions, that they want to see the property tax problem addressed.

Maybe we will see bill number 8, but I think the only sensible thing to do would be for the government to admit that they made a mistake once and for all.

#### LIBRARY WEEK

**Mr Tim Hudak (Niagara South):** I am pleased to rise today to inform all the members of the House that communities across Ontario this week are celebrating Library Week.

As we all know, libraries make a significant contribution to Ontario's quality of life. In fact, this year's theme, "Ontario Public Libraries — For Your Information," focuses on the role of libraries as key providers of information in communities across the province. In fact, in my riding of Niagara South, Port Colborne, Fort Erie and Wainfleet libraries are joining in the celebrations.

On Monday morning, Tim Hudak, MPP, was the celebrity librarian of the day. I put in a two-hour shift at the Wainfleet Public Library, walked in a librarian's shoes for a couple of hours. In addition, they're having writing competitions at the Wainfleet library.

At the Fort Erie library there are trivia contests to help citizens understand the role libraries play and the system they have, quizzing participants on everyday tasks and research that libraries do. Also at the Fort Erie library, food donations: If you don't want to pay your fine in cash, please bring a non-perishable food item, which will be donated to those in need. An excellent idea.



This week, which is being marked in Niagara South and across Ontario, is a special opportunity for all of us to reflect on the significance of libraries and to celebrate their valuable contribution to our communities.

### EMERGENCY SERVICES

**Mr Rick Bartolucci (Sudbury):** Dismay, disbelief, disillusionment, disgust, disenchanted, disenfranchised, disapproving and disappointed are only a few of the words which describe the reaction of the Sudbury community in finding out that our Sudbury Regional Hospital received no new funding from yesterday's emergency room funding announcement.

Our region cannot believe the total disregard Mike Harris has for our health care system. He has once again abandoned the residents of my city and our region, along with the Sudbury health care system. He has again reinforced the message that he will not put adequate funding into our health care system.

This is just the latest slap in the face to our health care providers in Sudbury. This government is going to slash \$27.5 million from our operating budget, and even though Inco's smelter is Canada's second-largest emitter of known cancer-causing agents, Mike Harris continues to refuse to establish a panel to investigate the effects of industrial factors in the workplace, which I have repeatedly requested, along with Cancer Care Ontario. "Let them die of lung cancer" is Mike Harris's attitude.

The reality is simple: Mike Harris doesn't care about quality health care for Sudburians. Through his actions he has shown his disdain and disregard for Sudburians. If it is a fight Mike Harris wants, he has angered the people and we will fight.

### HIGHWAY SIGNS

**Mr Bud Wildman (Algoma):** I rise to notify the government of the many complaints I've received from constituents, operators of tourism businesses and municipalities over the increases in the rates charged by the Ministry of Transportation for signs along highways. The rates for signs along the TransCanada Highway, Highway 17, have risen this way: In 1995, they were \$60 a year; in 1996, \$110 a year; and this year, 1998, they've been raised to \$350 a year, a 300% increase. Secondary highway rates have gone up to \$150 to \$250 a year.

There was no notice of this pending increase. The decision was made by the ministry in January 1998, but invoices were not sent out until the last week of September 1998, after the tourism season was pretty well over in our region. The Ministry of Transportation officials did not consult with anyone in northern Ontario on these increases, not even the northern Ontario officials of their own ministry.

Why is it the government is making these charges? It seems that the government is just charging what the market will bear. This is nothing but a money grab by the Tory government and it's going to harm tourism and small

businesses in northern Ontario. It's time for this government to rescind these increases and go back to the more reasonable rates.

### LAKE ERIE STEEL CO

**Mr Toby Barrett (Norfolk):** Recently my wife and I attended the first family day held since 1983 at the Lake Erie Steel Co. Close to 4,000 people attended over two weekends. As well, about \$1,000 was raised by employees and their families for local charities.

The Lake Erie Steel Co is a subsidiary of Stelco. It's located on the north shore of Lake Erie, in my riding of Norfolk, and provides over 1,300 direct jobs to our area.

I'm very proud to tell the House that this major employer in my riding, Lake Erie Steel, has announced a \$120-million upgrade to its facilities at Nanticoke. This upgrade includes the addition of a third rehear furnace and two downcoilers in the plant's 200-centimetre hot strip mill. This will increase steel production by 455,000 tonnes, bringing the plant's total output to 2.46 million tonnes a year. The \$120-million expansion comes on the heels of a \$105-million investment earlier this year that saw a new slab caster installed, as well as a second casting house built into the blast furnace unit.

I would like to congratulate the Lake Erie Steel Co and its parent company, Stelco, on their expansion and their investment in our area. These companies continue to ensure the long-term viability of the steel industry and provide good jobs to Ontarians.

1340

### SCHOOL ACCOMMODATIONS

**Mrs Lyn McLeod (Fort William):** Last night parents in the Peel region gathered to discuss their concerns about the health hazards their children are exposed to by attending school in portables contaminated with mould. Experts provided testimony on the risks posed by the mould that's growing in literally hundreds of portables being used in Peel-area schools. Parents told distressing stories of the ill health experienced by their sons and daughters who have been sitting in these classrooms.

The Health Canada directives on this are very clear: Mould is dangerous, and where it is suspected there must be a process of assessment and remediation.

The Peel region school boards are recognizing this and are taking appropriate action. The Halton board, where this is also a problem, has done the same thing. But the boards have been given no money to fix the problem. The millions of dollars needed to replace or fix the mouldy portables is coming out of the budgets that are supposed to be used to do regular maintenance and major repairs, like fixing roofs before they fall in.

The problem of mould in portables has only recently been recognized as a serious health risk to children. It's an extraordinary situation that demands immediate responsible action by the provincial government, that you put guidelines in place requiring every board to assess the



situation in their portables, and then the government should provide financial resources to the boards to deal with the problem.

Once again, this government has refused to take any responsible action. The minister says it's the boards' responsibility. But John Snobelen says that the money will flow. He told parents last night that the government will take action. He said: "There is a time for rhetoric and a time for action. Now is the time for action. Trust us, the money will flow."

I say to the Minister of Education, will you make good on your colleague's promise? When will the money flow?

### COLLÈGE BORÉAL

**Mr Len Wood (Cochrane North):** Today I want to talk about the contribution of Collège Boréal. An educated and highly skilled workforce contributes to the high quality of community life. Since its inception in 1993, Collège Boréal has played an integral role in contributing to the economic and social life of northern Ontario.

Collège Boréal is the only francophone college in northern Ontario, with over 4,000 full- and part-time students who attend classes in seven satellite campuses: Elliot Lake, Hearst, Kapuskasing, New Liskeard, Sturgeon Falls, Sudbury and Timmins. This past year alone, enrolment has increased by 3.3%.

Collège Boréal is particularly effective in forging links with the private sector to develop and coordinate programs that are useful for employers and students.

In their throne speech, the Conservative government stated that it will address the shortage of highly skilled workers, particularly in the area of high technology, and that it will explore every means of employing Ontario's advanced position in telecommunications hardware and in educating, training and learning software to support life-long learning that allows all of us to adapt to the ever-changing job market.

These objectives we all agree with. They can only be achieved in concert with the development of strong post-secondary institutions across Ontario. In northern Ontario it is particularly important. Collège Boréal is now seeking, from both the federal and provincial governments, a renewal of the infrastructure grant. I understand that Dave Johnson is aware of this request. We ask him to act on this initiative now to make sure that Collège Boréal survives into the future.

### CHATHAM CHRISTIAN SCHOOLS

**Mr Jack Carroll (Chatham-Kent):** Early last week I had the opportunity to participate in a groundbreaking ceremony to officially begin construction of the Chatham Christian Schools' new kindergarten-to-grade-12 school.

About 500 people, including students, teachers, parents and board officials, were on hand to celebrate this work in progress and the tremendous success of the fundraising to date. The Chatham Christian Schools Society, over the past year, has raised about \$1.75 million of the total

\$3 million required to build this new building for September 1999.

There was also another reason to celebrate this event. The Chatham Christian Schools Society recently marked its 40th anniversary, having opened in 1957. The society currently operates both an elementary school and a high school. Over the past few years, growing enrolment and aging facilities have necessitated the construction of a new school.

I would like to congratulate the board of the Chatham Christian Schools and the Ontario Alliance of Christian Schools for their dedication to Christian education.

The parents also deserve congratulations. Despite paying full taxes for education, they also pay tuition to have their children receive a Christian-centred education. This commitment speaks to the dedication they have for their faith and their belief in educational choice. The values that the schools teach our young people are values that are all too often missing in society today. I wish the parents, students and the dedicated, hard-working teachers of the Chatham Christian Schools all the best.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Chris Stockwell):** I beg leave to inform the House that today the Clerk received the ninth report of the standing committee on government agencies.

Pursuant to standing order 105(g)9, the report is deemed to be adopted by this House.

#### VISITOR

**The Speaker (Hon Chris Stockwell):** I want to take the opportunity, in the government members' gallery, to introduce Rick Thorpe, the MLA from Okanagan-Penticton at the British Columbia Legislature. Welcome.

### ORAL QUESTIONS

#### PROPERTY TAXATION

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the Minister of Health. I'll just put them on notice of that and I'll proceed with my next question.

I have a question for the Minister of Municipal Affairs. I want to review something with the minister that, but for the damage that it's going to cause to small business in Ontario, would be laughable. I want to review the history of property tax reform in this province.

First we started with Bill 106, then it was Bill 149, then it was Bill 160, then it was Bill 164, then it was Bill 16, then it was Bill 61, and now you tell us you're going



to introduce one more. This has got to be the most painful comedy of errors ever experienced inside this Legislature.

I'm not sure I could put it any better than the Association of Municipal Clerks and Treasurers of Ontario did. They said, and keep in mind they said this several months ago: "This government, in its haste, is making legislation by the seat of its pants, without proper thought or planning. Yesterday's bill is amended by today's, which will likely be amended by tomorrow's."

Minister, when are you going to admit that you have screwed up royally when it comes to property tax reform in Ontario?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** I welcome that question because I think everybody in this House recognizes and understands that the property tax system in Ontario was badly broken and has been that way for many decades.

This government at last had the courage to address an issue that has to be fixed. We have taken action to make sure that equity and fairness come back into the system. Is it a simple issue? No, it's not a simple issue; it's a very complex issue and something that has taken many decades to run into disrepair. It's going to take more than one day to fix.

That's why we gave municipalities in Ontario the opportunity and the tools to phase in increases and decreases over time. We had hoped they would do that, and many of them have. Many of the municipalities have done a fine job — the city of Toronto is a great example of that — and some have not, but we will not allow the municipalities to —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr McGuinty:** What do you think this means to the average person in this province — seven bills to reform property taxes? They think it's a joke. It speaks to incompetence. It speaks to mismanagement. It speaks to a failure to listen to the people in the front lines who told you that you were going to cause all of this. Clerks and treasurers in our municipalities across Ontario said you were going to create chaos. We said that you were going to create a mess. You didn't want to listen to anybody. It seems to me the only accomplishment you've got here is that you're going to get yourself into the Guinness Book of Records.

No government has spent more time addressing one issue than you. You've taken a system that was in need of repair and brought it into greater disrepair — a tremendous accomplishment. You've made things worse.

We told you this was going to benefit big business and come at the expense of small business.

Why don't you just stand up, sound the retreat and admit that you have screwed up royally when it comes to repairing property taxes in Ontario?

1350

**Hon Mr Leach:** Again, I thank the Leader of the Opposition for that question. At least they now recognize that there is something wrong with the system. It would have been a big help if you'd recognized that 10 years ago.

The Leader of the Opposition asks what this means to the average taxpayer. It means that there's going to be some fairness brought back to a system that is totally out of whack. When your government was in power —

*Interjections.*

**The Speaker:** Order. Members of the opposition, I want to hear the response. I can't. Minister.

**Hon Mr Leach:** The Leader of the Opposition says we're benefiting big business at the expense of small business, and that's exactly what we are going to prevent. If the municipalities don't take the action that is necessary to protect small business, this government will. What we're going to do is make sure that no segment of business and no segment of residential property taxpayers get hurt as a result of bringing in property tax reform.

The municipalities have the ability to make sure that the tax phase-in is dealt with in an equitable way. Many of them used those tools very effectively; many of them didn't. We are going to make sure that every business in Ontario is protected against high tax increases.

**The Speaker:** Final supplementary.

**Mr McGuinty:** I'm not sure there's a more telling metaphor about the incompetence and mismanagement of this government than the fact that it's taken seven bills, each later one to repair damage caused by the former, to address property tax reform in Ontario. We've got Ernie and Al, the Beavis and Butthead of property tax reform in Ontario.

In typical Mike Harris fashion, rather than assume responsibility for the damage you're causing, you've got the nerve, you've got the temerity, you've got the audacity to point the finger at municipalities and threaten them with another bill. Where do you get off telling municipalities that they've got to assume responsibility for the chaos you've created?

**Hon Mr Leach:** Something most people in this House would agree with is that this member would recognize incompetence because he's had a lot of experience with it.

We are saying that the property tax system in Ontario has been broken for decades. The Liberal government knew it, the NDP government knew it and our government knew it. Our government, this present government —

*Interjections.*

**The Speaker:** For heaven's sake, please come to order. Member for Oakwood, come to order.

*Interjection.*

**The Speaker:** Member for Yorkview, I don't want to discuss it with you; I want to hear him.

**Mr Gerry Phillips (Scarborough-Agincourt):** We want to give him some time to think.

**The Speaker:** Then you've got to stop talking. Minister.

**Hon Mr Leach:** I think it's a great example of just how broken this system was. We said that this is an extremely complex issue to deal with, and this government has given the municipalities the ability and the tools to deal with it. If they don't use the tools we've given them, we will take whatever actions are necessary to ensure that small business in Ontario is not affected, that big business



is not affected. There are ways and means of implementing the tax system in a fair and equitable way by phasing it in over a period of time. It took decades to do this —

**The Speaker:** Thank you.

### LONG-TERM CARE

**Mr Dalton McGuinty (Leader of the Opposition):**

My question is to the Minister of Health. I want to return to the emergency room crisis created by your cuts to Ontario hospitals, and I want to return to your commitment and two things in particular.

One has already been addressed and that's your failure to deliver money that you promised to deliver immediately to emergency wards. There's another component to your commitment, though, that has not yet come under the light of day. You said that you would build 1,700 long-term-care beds to help create room in our emergency departments because of the backlog that your cuts have created. You said you were going to build 1,700 long-term-care beds. That's a commitment you made 185 days ago.

Can you confirm in this House today, Minister, that you have yet to build a single one of those 1,700 long-term-care beds that you committed to build?

**Hon Elizabeth Witmer (Minister of Health):** To the Leader of the Opposition, if you take a look at the recommendations and the breakdown of the \$225 million, you will see that those 1,700 beds are to be up and running over the next 18 months.

**Mr McGuinty:** Eighteen months? You mean you are taking satisfaction in having made a commitment which you now tell us involves building 1,700 beds over the course of the next 18 months? We have a crisis today in emergency wards right across this province. It's one that needs to be addressed today. It needs to be resolved immediately.

You were shamed into coming up with money yesterday, six months after you made your commitment. Are you now telling me that, as Minister of Health, you are quite satisfied to know that 1,700 long-term-care beds that are needed immediately are going to be built sometime during the next 18 months? Is that good enough for you? Is that what you're saying?

**Hon Mrs Witmer:** I will refer that to the Minister of Long-Term Care.

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** I want to thank my colleague for the question and tell the Leader of the Opposition that the reason we need transitional long-term-care beds in this province is because not one single long-term-care bed was built on your watch or the NDP watch for the last eight years. What part of an aging population did both your political parties and both your governments miss in this province?

The fact of the matter is that our government is faced with serious cuts from the federal government for services that aren't even covered under the Canada Health Act, and you stand in this House asking where those beds are when there isn't one mention of these beds in your red book that

you campaigned on in the last election. Seniors weren't on your agenda a year ago. Now, all of a sudden, they're important to you.

This government has agreements for over 800 of these long-term-care beds to be implemented immediately. I'll tell the member opposite that those 800 beds will have patients transferred to them —

**The Speaker (Hon Chris Stockwell):** Thank you. Final supplementary.

**Mr McGuinty:** I want to return to the Minister of Health. This is a health issue. This recommendation for 1,700 interim or temporary long-term-care beds came as a result of recommendations made inside that emergency report that said the best way to resolve this crisis was for you to come up with some money immediately and for you to build 1,700 long-term-care beds to help free up some space inside our emergency wards.

Once again, you failed to deliver the money in a timely way and you have failed to build now, six months later, one single, solitary long-term-care bed so desperately needed in our hospitals to free up space in the emergency departments. You failed on both counts. You failed to deliver the money in a timely way and you have failed to build those beds, both of which were recommended in that report and both of which you committed to doing.

How can Ontarians have confidence in you as our Minister of Health if you keep failing, failing and failing time and time again to deliver quality health care and to honour your own commitments?

**Hon Mr Jackson:** This government is currently upgrading 13,000 substandard long-term-care beds that were quite acceptable to both your government and the NDP government, a major investment to improve the quality of life of residents who are not just sleeping in those beds but living in those facilities. That's a commitment this government has made, after waiting 20 years for the last three governments to deal with it. That's the first commitment we made.

We made a \$100-million commitment so that we can increase the number of nurses in every single one of the 56,000 nursing home beds in this province, because the last two governments didn't put in place the kind of funding that dealt with the kinds of growing acuity of persons in nursing homes. I've indicated in this House that over 800 of these beds are immediately ready in order to move people out of the hospital setting into the long-term-care setting. But we are deeply disappointed that we've been unable to inspire the hospitals to work with positive solutions, especially in the GTA, where we have our growth factors —

**The Speaker:** New question, leader of the third party.  
1400

**Mr Howard Hampton (Rainy River):** My question is also for the Minister of Health, and I want to say to the government, we don't dispute that you are wonderful at making announcements. The problem is, your announcements are always bogus, phony, empty, cynical announcements. We have to bring you in here and expose you and embarrass you before you finally put the money back into



health care, the money that you and you alone have taken out of health care.

This, Minister, is the emergency services working group report. You know, the report that said there's a real problem in emergency care, especially in hospitals in Toronto. It says in here, first recommendation: 850 long-term-care beds to be funded within 90 days, \$18.9 million. That will relieve some of the pressure so that people who are in acute care beds can move on to long-term-care beds. You were supposed to fund this by the summer.

Minister, can you tell us what's happened? You want to take credit for health care. What's happened to these long-term-care beds?

**Hon Mrs Witmer:** Again I will refer to the Minister of Long-Term Care.

**Hon Mr Jackson:** I want to thank the leader of the third party for the question. Soon after that announcement, this province and the Ministry of Health sent out a request for proposal all across the province and opened up and offered 1,700 long-term-care spaces. Unfortunately, over the course of that RFP we only received about 850 to 900 applications. You will appreciate that with the highest standards in this province for care for seniors in long-term-care facilities, you just don't pick up the phone and get a licence to operate a nursing home bed in this province. Every site has to be approved as a suitable, appropriate and safe site for a senior in the province of Ontario.

We now have in place 850 of these sites that we have approved and we'll be announcing those tomorrow. The sites are in the process of being notified as we speak, and that is the process we had to follow. But you don't just pick up the telephone in this province and say, "I'd like to open up my doors and allow a bunch of seniors to receive care." These have to follow the most rigid guidelines in North America for safety —

**The Speaker:** Thank you. Supplementary.

**Ms Marilyn Churley (Riverdale):** Minister, the crisis in long-term care has just been made worse by the threat of the closing of Riverdale Hospital in just 18 months. That's a hospital that's already experienced and ready to do the care you're talking about.

Four hundred and thirty-five very sick people are going to be evicted from their home. Where are those people, many of them on dialysis or with severe brain injuries, going to go? These people require up to 11 hours of care a day and an average of \$242 a day in treatment. Under your plan, they will only get \$96 a day. Minister, where are those people going to go to get the treatment they need?

**Hon Mr Jackson:** I'd like to tell the member opposite that the programs that are being provided in long-term-care facilities are unique to long-term-care facilities. We're not asking people to have their meals in their beds and to see a nurse on a limited time during the day.

When we transfer from a hospital to a long-term-care setting, a major thing happens. There is a shift in the amount of contact that they are having with nursing support and attendant care support. There is congregating, so we activate these seniors and persons with

disabilities and move them into those kinds of settings. Frankly, they seem to be a lot happier and to appreciate that kind of an environment, in most instances, far more than they do a hospital setting.

The announcement of the additional approximately 800 new placements will allow us to manage the transition from hospital care to community-based care, which is what seniors have asked us for, to receive care closer to home.

**Ms Churley:** But surely you see this doesn't add up. The money you haven't delivered is supposed to create 2,200 long-term beds in Toronto. There are 4,000 people waiting to get into nursing homes in Toronto and only 2,200 long-term beds planned. Now we see, if Riverdale closes, 435 added to the waiting list. Riverdale Hospital has the building, the land, the facilities, the staff and the expertise to do the job. They also have \$41 million in the bank already to make the transition. The city of Toronto has given them the go-ahead. The Minister of Health refuses even to meet with the Riverdale staff. Minister, I ask you again, where are those people going to go to get the care they need?

**Hon Mr Jackson:** First of all, the Health Services Restructuring Commission made the decision as it relates to Riverdale Hospital. The second point I want to share with the member —

*Interjections.*

**The Speaker:** Order.

**Hon Mr Jackson:** The second thing the Health Services Restructuring Commission recommended was an expansion of home care services, which we're pleased to report we've increased substantially in Metro and across this province, by 40% in two and a half years.

The third thing the Health Services Restructuring Commission recommended to the citizens of this province was that we aggressively expand the number of long-term-care beds in this province, given that for almost a decade no growth had occurred with the two previous governments. So this government made a historic commitment of 20,000 new beds in this province, and within two weeks we will be announcing the locations of 2,000 new long-term-care beds in the city of Toronto alone, a record for this province of expansion for seniors' services — unprecedented.

1410

#### FAMILY RESPONSIBILITY OFFICE

**Mr Howard Hampton (Rainy River):** My question is for the Attorney General. A woman contacted the office of my colleague the member for Riverdale recently. Her name is Gail Ross. She has one daughter. She lives in Markham, but she doesn't have any confidence that the MPP for Markham would raise this issue, so she called us.

Gail Ross hasn't been receiving her support payments. She completed all the right forms and submitted them to the Family Responsibility Office in July. She spent months trying to reach someone, anyone, at the Family Responsibility Office. She has been diagnosed with cancer. She's

facing the threat of eviction from her apartment. She has been calling the Family Responsibility Office and all she gets is either put on hold for hours at a time or the line is busy.

**Hon Janet Ecker (Minister of Community and Social Services):** Maybe if she'd gone to her MPP —

*Interjections.*

**Mr Hampton:** Minister, can you tell me why distressed women get only a busy signal from the Family Responsibility Office?

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order.

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** Certainly, if the story as he describes it is accurate, it's not an acceptable level of service. If the member will provide me with the details, I will make sure we check into this problem right away and I will get back to the member.

**Mr Hampton:** Another non-answer from the Attorney General. I guess the real answer came from the Minister of Community and Social Services who said that if this woman had taken it to a Conservative MPP, she would have gotten action.

We called the Family Responsibility Office —

*Interjections.*

**The Speaker:** Order.

**Mr Hampton:** I want to let the Attorney General know this: We contacted the Family Responsibility Office and on three separate occasions — keep in mind this is now October — they said that despite the fact her papers had been received at the office, they hadn't been put into the computers because their computers aren't working. This was in July.

Minister, when you laid off all those family support plan workers, when you closed all the regional offices, you told people: "Wait until we get this spanking new computer system. We're going to have a wonderful operation." First, we showed people that was frankly not true, because the computers weren't working then and they weren't working for six months later. Are your computers still shut down? Is this the spanking new operation you promised women across Ontario?

**Hon Mr Harnick:** Yes, the member is right that there was new technology put into the Family Responsibility Office in July. There was a period of time where there was a transition to the use of that technology. There has been extensive staff training. As I told the member, I'd be very pleased, if he would provide me with the details, to try to deal with the problem the constituent is having so her problem can be solved. If the member wants to provide me with that information, I'd be delighted to try to get an answer and get the problem resolved as fast as I can.

**The Speaker:** Final supplementary?

**Mr Peter Kormos (Welland-Thorold):** It has been over two years now. You just shrug this off. You make excuses. Your computers aren't up and running. People aren't even answering the phone at the Family Responsibility Office. There are women and kids out there not

getting their payment because your incompetence has resulted in an office that isn't operational.

One of our staff tried calling the FRO today. At 11:30 am it was busy; at 11:45 am, phone line's busy; 12 noon, phone line's busy. She tried every 15 minutes for over an hour and all she got was busy signals.

Minister, women in distress can't even make telephone contact with the FRO. I say to you, it's about time you simply resign and hand this responsibility over to one of your colleagues who can get this system operating effectively in a way you never have and obviously won't.

**Hon Mr Harnick:** I can tell you that in September the Family Responsibility Office disbursed \$41.7 million, an increase of 39% over September 1994. We have now reached the stage where 2,000 clients daily are helped on the telephones at the Family Responsibility Office, with an average wait time of eight minutes. This is a plan that involves 160,000 open files at any given time. If there are problems, I appreciate the co-operation of my colleagues in the Legislature. I advise the leader of the third party I would be happy to help the person he refers to if he will provide me with the information, which I don't know is forthcoming or not.

#### CHILDREN'S HEALTH SERVICES

**Mrs Sandra Papatello (Windsor-Sandwich):** My question is for the Minister of Health. For the last year a charity called the Children's Hospital Foundation in London has been paying the wages for a cancer doctor for kids at the pediatric oncology department at the London Health Sciences Centre. Everyone there and in your ministry knows that the centre requires four cancer doctors, but you're only funding two. A third doctor was paid for by the Children's Hospital Foundation for the last year, but they can't do that any more.

The two cancer doctors on staff are working under considerable stress and your underfunding is going to affect the cancer treatment these children are receiving. In fact, Dr Cairney and Dr McKusker are dealing with 250 children each. The standard for Ontario is 80 children under each doctor's care.

Minister, how is triple the workload affecting these children in cancer care?

**Hon Elizabeth Witmer (Minister of Health):** First of all, let me say to the member opposite we do recognize the very important need for the provision of appropriate and timely care for children who suffer from cancer. That is why in April of this year we provided \$3.2 million to the Hospital for Sick Children. As you know, we have the Pediatric Oncology Group of Ontario who help us in identifying the areas of greatest need.

We also recognize that in London and Hamilton there is need. We are continuing to work with POGO in order that we can make sure that as we move forward, money continues to be provided to respond to the needs. In fact, recently POGO also indicated to us that we need to be setting up some pilot pediatric oncology treatment programs and we made available funding of \$350 million.



**Mrs Pupatello:** Minister, that's exactly the same answer you gave several weeks ago in this House and today they are still dealing with two cancer doctors when they require four.

The president of ChildCan from that area, which is the new charity that has been asked to fund the wages of another doctor — and they don't think they can — said in terms of having to lobby the government, "How far can we go, out on the streets with bald-headed kids and picket signs?" Is this what you're expecting these parents of children with cancer to do in order to make money move from your government? It has been identified as an area of need. You said the same thing in this House weeks ago and we're seeing a very familiar pattern within your ministry.

Your response was supposed to come within two weeks. That was last week. Ed Vermeulen, whose three-year-old daughter has leukemia, said that his daughter's doctor went through 19 days straight, 24 hours a day, on call. Minister, Ed Vermeulen wrote to you. He wrote to the London MPPs. He told you about this a long time ago. Do these children have to come to Queen's Park with picket signs?

**Hon Mrs Witmer:** Again let me say to the member opposite that we have made progress this year. We have responded to the requests of POGO, the Pediatric Oncology Group of Ontario. We have made available \$3.2 million to the Hospital for Sick Children. We have made available \$350 million just last month, in the month of September, for the four oncology programs in Thunder Bay, Kitchener-Waterloo, North York and Sudbury. We are continuing to review the situation in London and in Hamilton and we'll soon be in a position where we can flow the money to those centres.

I think, as you can appreciate, our government has made tremendous strides forward in responding to the needs of these children.

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#### CLASS SIZE

**Mr Bud Wildman (Algoma):** I have a question to the Minister of Education and Training. Minister, your government has spent about \$2.7 million this autumn on propaganda aimed at convincing parents that your government has capped class sizes for their children. The class size count for school boards will come to us at the end of this month; then the truth will out. We'll hear more about classes like the one at McKellar school in Thunder Bay where 40 grade 7 students share one big, noisy classroom, or Randall Public School in Markham where 37 grade 8 students are in one class, or the split grade 7-8 class in Scarborough with 40 students.

I have a letter from Heidi Butler, an 11-year-old at A.E. Duffield public school in London, wherein she says there are 33 students in grade 6. She asks: "How can one teacher help all 33 kids? How does this improve learning for students?" What's your answer, Minister?

**Hon David Johnson (Minister of Education and Training):** These are the very issues that we're attempting to address through the capping of the average class size. For example, when the NDP was in power between 1991 and 1995, without exception the average class size across the province of Ontario increased at the elementary level each and every year. This has been going on for too long and that's exactly why for the first time ever this government introduced the cap on the average class size. At least we've stopped the growth and the increase both at the elementary and at the secondary level.

Because it is an average cap, there will be some classes higher and some classes lower, but at least the classes that are above the average aren't continuing to grow and the classes below the average aren't continuing to grow. We've stopped the growth. Having said that, I look forward to the day when this government will be able to take the next step, which is to address those classes which are beyond the acceptable level.

**Mr Wildman:** This is the flip side of the school closure issue, where the government's funding formula is forcing the closure of smaller schools.

The government has been advertising maximum average class sizes instituted by this government, but in its advertising the government fails to point out that the government actually legislated maximums that already existed. The maximum average class sizes that you have instituted was an attempt simply to entrench the status quo. But you've noticed there's a problem with that and so you've offered schools the possibility of exemptions from the maximum average.

Minister, how many school boards have requested an exemption this year from your regulations on maximum average class size?

**Hon David Johnson:** Again, the problem has been the growth over the period of time when the NDP was in power. In 1991, the average class size at the elementary level was about 22. During their term of power it grew year after year after year. We have said no, that can no longer continue to grow, for the benefit of our children.

I'm not sure. I know some boards have asked for an exemption but I have not granted one exemption, I'll tell you that. I have not granted one exemption to any school board in Ontario because this government is attempting to improve the quality. This is a provincial standard we have set. Your government wouldn't set it. The Liberal government wouldn't set it. We have set this provincial standard and we believe it's important to improve the quality of education in the province of Ontario.

#### SMALL BUSINESS

**Ms Marilyn Mushinski (Scarborough-Ellesmere):** My question is for the Minister of Economic Development, Trade and Tourism. I was very pleased that you could attend the Toronto Business Connexion breakfast during Salute to Small Business Week with me this morning. Toronto Business Connexion is a great Scarborough-based organization that encourages members of the



business community to meet informally and to exchange ideas.

A number of interesting topics of conversation came up this morning and I was wondering if you would share with this House some ways that this government is encouraging a better climate for the business community.

**Hon Al Palladini (Minister of Economic Development, Trade and Tourism):** I certainly want to thank the member for Scarborough-Ellesmere not only for the question but also for the opportunity to meet with some of her constituents.

I noticed during the discussion this morning that the group was very supportive of the climate this government has created for small business. We have reduced the deficit, we have reduced red tape and the barriers to business growth, and we are going to continue to do that by cutting the business corporate tax in half over the next eight years, at 4.75%, which will be the lowest in Canada. We cut the employer health tax and this means that 80% of Ontario's businesses will no longer have to pay that tax.

This government also believes its role is to create a positive climate for business investment. Looking at the number of successes in small businesses, I believe we are on the right track and doing what it needs. As the Minister of Municipal Affairs said earlier, we will not allow municipalities to impede small business growth with irresponsible taxes.

**Ms Mushinski:** Minister, I know it's very important to you personally to encourage and promote small business, as it is to all of us. Can you advise this House what programs your ministry has brought in to assist small business?

**Hon Mr Palladini:** In January of this year our ministry launched a newsletter called the Ontario Business Report to inform decision-makers of the different kinds of investments people make in our province. Small business enterprise centres have been opened throughout the province to make sure that there is available help. The wisdom exchange is another program, a series of networking conferences for presidents and CEOs of innovative growth firms. We also have a Young Entrepreneurs Program, which is available to young people from 18 to 29, in partnership with the Royal Bank.

Speaking of young entrepreneurs, I'm happy to recognize one of those young entrepreneurs, a Mr Dameion Royes, who is in the garment industry. He manufactures and produces hats, and he's very much of a success. His picture is on the front page of our bulletin. I would like an opportunity to share with Ontarians. If they want to have one of these things, we are on a Web site. All they have to do is go into our Web site: [www.ontario-canada.com](http://www.ontario-canada.com). They'd be surprised at what this government has done in such a short period of time to create a positive environment.

#### AIR QUALITY

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of the Environment. Minister, as you're

well aware, Ontario has the worst air quality problem of any jurisdiction in Canada. Ontario, at the same time, also has the dirtiest gasoline of any jurisdiction, not only in North America but among the leading industrialized countries in the world. It is 20 times dirtier than the acceptable level in the state of California. It exceeds the standards in most provinces and states that have been set. You also know that 6,000 people a year die prematurely in this province as a direct result of poor air quality.

You've made commitments in the past. You have spoken about the levels of sulphur in gasoline and the impact it has on people's lives in this province. You just came back from Halifax, from a ministers' conference dealing with the environment. Will you today commit to immediately bring in legislation that will take Ontario from having the dirtiest gasoline of any jurisdiction in North America to having the cleanest?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I have already committed Ontario to lowering our gasoline to at least 150 parts per million and perhaps even lower; 30 parts per million is my desire. We have been working along with the federal government. The federal government has expressed a desire to strike a Canada-wide standard for sulphur content in gasoline, and I think that's the way it should be done.

**Mr Agostino:** Minister, you can delay all you want on this. Your government has been in power for over three years. You know that under the Environmental Protection Act you as the minister unilaterally have the power to act and to bring in legislation that would exceed the standards in any jurisdiction in North America. You as the minister have that power.

We don't have time to wait. Every year, 6,000 Ontarians die as a result of air quality. When you sit and wait for the American or Canadian standard to be set, that's not good enough. That doesn't help the kids who are in hospitals because of asthma and bronchitis. It doesn't help the senior who can't go out on a bad air quality day because of a heart problem. We've got a crisis, a serious problem, and you have the power to immediately act to bring in the type of legislation that will reduce the killer sulphur level that we now have in gasoline in Ontario. You have that power, but you're afraid of the petroleum companies. They've lobbied you too hard, they've gone after you too hard and you're now backing down. Again, will you commit today, you as Minister of the Environment in Ontario, to bring in legislation that will put us among the world leaders in gasoline —

**The Speaker (Hon Chris Stockwell):** Thank you. Minister.

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**Hon Mr Sterling:** I commit today to do what is right and proper in dealing with this issue. We will lower sulphur content in gasoline. When I became the Minister of the Environment, I was absolutely disgusted with the level of sulphur in gasoline which we have in Ontario.

During the Liberal administration, the government encouraged refineries in Sarnia to invest in equipment to

produce high-sulphur gasoline. That resulted in Ontario having the highest sulphur in all of Canada. We are committed to lowering that, and we will lower it. We will undo the mistakes that you put upon this province.

### SCHOOL CLOSURES

**Mr Rosario Marchese (Fort York):** My question is to the Minister of Education. Minister, you know that thousands of people across the province are fighting potential closures of their schools. It's no different in my area. People like Heike Jende, Ivana Mirabelli, Anna Celietta and Mary Fernandez, from St Peter; Eleanor Bettelli, from St Raymond; Zenny Salines, from St Francis; Donina Lombardi, from St Lucy; and Ann Mary Chong, from St Michael, are all sick with worry with the fear that their schools are going to close.

Your rules say that a board that continues to operate at less than 100% capacity will not get funding. Many will have to close because of your ridiculous, mindless, heartless demand that schools operate at 100% capacity. Are you going to change the funding formula that will reassure most of these parents and these schools that their schools will stay open? Will you do that?

**Hon David Johnson (Minister of Education and Training):** There are other people who have other views on this matter. I have, for example, a letter from the chairperson of the board of the Hamilton-Wentworth Catholic District School Board, who indicates that they will proceed with a number of urgent capital needs. This is due to the new method by which the government is funding school boards for the construction of new pupil places and the flexibility built into the new model. He says, "We were extremely pleased that this could be achieved without the need to close elementary or secondary day schools."

There's an article from the Cornwall Standard-Freeholder, from a trustee indicating the funding was welcomed, it's very good news. They're looking forward to construction of appropriate facilities.

I have a release here from OSSTF in the Durham district board, saying that the Durham District School Board has access to millions of dollars more this year than ever before.

We have attempted to provide fair and equitable funding to all the boards across the province of Ontario. They are taking that funding, making the decisions in conjunction with their parents and —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Marchese:** I am happy, Minister, that some of these folks you mentioned are happy with you, but the people I referred to live in my area. Parents from St Peter, St Raymond, St Francis, St Lucy and St Michael are not going to be very pleased that the Hamilton board might be pleased with you. They're saying to you that they want their local schools to stay open.

They say: "Our local community schools are very important. They belong to the community and they are a focus for community activities and not just for students."

That is what they're concerned about: their schools staying open. Your rules say the boards must decide by December 31 which schools will close or stay open. The decision and deadline that you have imposed determine whether a board will get any grants for new student spaces. These are your rules, your deadlines and your formulas that are going to in effect close many of the schools I've mentioned. What are you going to say them that will reassure them their schools will stay open? What will you say?

**Hon David Johnson:** I do say that community schools are very important and I'm glad to see that the parents and the community are being involved in this process. As a matter of fact, this government has directed boards to involve their communities and their parents in determining these issues.

These are issues that have been dealt with over the course of the years. When the NDP was in power between 1990 and 1995, there were well over 100 schools closed across Ontario. School boards went through the same sort of decision-making process.

We are not requiring boards to make any decisions at any point in time. We are offering them the opportunity at the end of the year. If they wish to dispose of some of their capacity to be more eligible for new pupil places, then they are free to do that. But school boards will make these decisions by themselves, in conjunction with their parents. I think we should allow that the schools boards are more aware of their needs than perhaps some of the members of this Legislature.

### ADDICTION AND MENTAL HEALTH SERVICES

**Mr Toby Barrett (Norfolk):** My question is for the Minister of Health. For 20 years prior to the election, I had the privilege of working in the addiction and mental health fields at the Ontario Addiction Research Foundation, both in Toronto and in my home area of Brant-Haldimand-Norfolk. Minister, could you inform this House what our government has accomplished with respect to providing services in a more efficient and more effective way to alcohol- and drug-hurt people and to those with mental health problems?

**Hon Elizabeth Witmer (Minister of Health):** As you know, addiction and mental health services are two areas that we take very seriously as a government. In fact, we've had a review that was done by my parliamentary assistant, Dan Newman, and I am extremely pleased to say that we have been working very co-operatively with the Centre for Addiction and Mental Health here in the city of Toronto. We have provided them with \$5 million so that they can make capital improvements to their facility. In fact, I am very pleased to indicate that we have seen the merger of the Addiction Research Foundation, the Clarke Institute of Psychiatry, the Donwood Institute and the Queen Street Mental Health Centre, and they are now able to provide a continuum of care for people who have addiction and mental health problems.



Dr Paul Garfinkel, the president, indicates, "The merger has benefits. We can provide more accessible services, more research, more knowledge, and that means more service, programs and training to communities across Ontario, indeed the world."

**Mr Barrett:** Although the primary catchment area for treatment services is the greater Toronto area, could you explain what additional services the Centre for Addiction and Mental Health provides for people in other areas of Ontario?

**Hon Mrs Witmer:** As I indicated in my initial response, Dr Garfinkel has indicated that not only can they better provide services and programs and training and treatment to people in Toronto, they also have 12 community offices where they work with individuals who have mental and addiction needs. I'm very pleased to say that last month we provided \$1.5 million to Network North for the redevelopment of the Pinegate men's detoxification centre as well.

We are also significantly expanding funding for mental health services and, as you know, we did allocate this year \$60 million additional dollars to serve communities, families and those individuals who need our support in time of crisis.

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#### HOSPITAL RESTRUCTURING

**Mr James J. Bradley (St Catharines):** My question is to the Minister of Health. This time the hospital restructuring commission — or, as I call it, the hospital destruction commission — of Ontario is deliberating behind closed doors and plotting the downfall of several hospitals in the Niagara region, including potentially the Hotel Dieu in St Catharines, the Douglas Memorial in Fort Erie, the Niagara-on-the-Lake hospital, the Port Colborne hospital and West Lincoln Memorial Hospital in Grimsby.

During the last election campaign Mike Harris said, "It is not my plan to close hospitals." In fact, he put "certainly" in front of that. Will you assure the people of St Catharines and the Niagara region that none of the hospitals in the Niagara Peninsula will close or be forced to merge and that none of the hospitals in the Niagara region presently existing will have to in any way reduce the services they provide to the communities in which they are found?

**Hon Elizabeth Witmer (Minister of Health):** First of all, what we are endeavouring to do as a government is to restructure health services. We need to make sure we provide a continuum of care. We need to make sure we focus on prevention, health promotion, primary care and acute care in the hospital setting. We continue to become aware of a need for more community service support and long-term-care services.

The restructuring process is taking place in order that we can meet the needs of our population today, a population that is not only growing but the number of people in it who are older; the proportion of our population is

increasing. The Health Services Restructuring Commission has gone to communities, and yes, I understand they're presently reviewing your community. They are an arm's-length commission and we will need to await the response.

**Mr Bradley:** It's interesting to hear they're arm's length, because the member for Erie-Lincoln keeps telling everybody in the Niagara region that he's speaking to you about these hospitals and going to go past the restructuring commission.

As a result of your plan, which has been announced by your ministry, to cut over \$40 million in operating funds for hospitals in the Niagara region, the services that can be provided to the hospitals, both the medical service and the ancillary non-medical service, have been significantly reduced. The hospitals in the Niagara region, as in many other areas of the province, are running huge deficits and are going into debt as a result of the cut of funding on your part.

We have in the Niagara Peninsula the oldest population per capita — that is, people 55 years and older — in all of Canada at this time. Dr David Foot, author of *Boom, Bust and Echo*, when he came to Brock University was asked if he had any advice for Mike Harris. Looking at the demographics of the Niagara Peninsula, what would it be? His answer was, "Don't close hospitals."

Minister, will you assure the House today that you will have all the services that the people of the Niagara Peninsula require in the hospitals of the Niagara Peninsula and that all of them will remain —

**The Speaker (Hon Chris Stockwell):** Thank you, Minister.

**Hon Mrs Witmer:** Yes, I certainly am aware of the huge number of seniors in your community. I had the opportunity of visiting that part of our province with my parliamentary assistant, Tim Hudak. I met many of the seniors in your community. I just want to assure you that we recognize the needs of the St Catharines community. That's why, if we take a look at the number of long-term-care beds that are going to be built, we see that there are 646 additional long-term-care beds and there are 542 beds that are going to be upgraded. There is every indication that the government recognizes this is an area with many seniors. We are responding to the needs of those seniors by providing that additional funding in community care services and long-term-care beds.

#### HYDRO RATES

**Ms Shelley Martel (Sudbury East):** I have a question for the Minister of Northern Development and Mines. Bill 35, the Energy Competition Act, will soon be passed by your government. One of the many problems with the bill is that it puts rural and northern hydro customers at risk. Right now, rural rate assistance helps to lower hydro rates for a number of rural customers. That can be worth several hundreds of dollars a year to a northern or rural family.



Bill 35 doesn't even come close to guaranteeing that rural and northern hydro consumers are going to continue to receive their rate assistance. The NDP moved an amendment at committee to guarantee this and your Conservative colleagues voted against it. Minister, I want to know, where were you when it came to protecting northern and rural consumers? Why did your colleagues vote against this amendment?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I know the Minister of Energy, Science and Technology wants to answer this.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I appreciate the question from the honourable member and want to once again give assurance to the honourable member, as we have to all the rural and remote areas of the province, that the money we're spending on rural rate assistance in the current system will continue in the competitive market. That's a commitment the government has made, and the government lives up to all its commitments and promises. It is in the legislation.

## PETITIONS

### MENTAL HEALTH SERVICES

**Mr Michael Gravelle (Port Arthur):** "To the Legislative Assembly of Ontario:

"Whereas proper mental health care is essential to all Ontarians; and

"Whereas mental health care is severely underfunded in northwestern Ontario; and

"Whereas the Health Services Restructuring Commission has called for the closure of the Lakehead Psychiatric Hospital with no replacement services in its place; and

"Whereas appropriate community mental health treatment is so lacking in northwestern Ontario that those who need treatment, support and rehabilitation are incarcerated in district jails; and

"Whereas the Ministry of Health has not delivered on its commitment to set up the Northwestern Ontario Mental Health Agency over one year after it promised to do so; and

"Whereas there is a dramatic shortage of psychiatrists in northwestern Ontario to the point where the doctors are severely overworked; and

"Whereas the Ministry of Health promised a 12-bed adolescent treatment centre and has failed to deliver on that promise;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to commit those funds necessary to provide full and proper mental health care to those in need in northwestern Ontario and call on the Minister of Health to cancel the closure of the Lakehead Psychiatric Hospital."

I'm very pleased to sign my name to that petition.

## HEALTH CARE

**Mr Peter Kormos (Welland-Thorold):** I have a petition addressed to the Harris government of Ontario.

"Whereas your government insists that Ontarians would prefer tax cuts to quality health care; and

"Whereas the waiting list for urgently needed medical procedures rapidly lengthens; and

"Whereas more and more medical procedures are no longer covered by provincial funding;

"We, the undersigned, do hereby petition the Ontario government to give us back our health care system immediately by increasing funding and restoring coverages which your government has cut."

That's signed by Alan Taylor of St Catharines, Ron Carruthers of St Catharines, Ron Martin of Thorold and many, many others.

## PROPERTY TAXATION

**Mr Trevor Pettit (Hamilton Mountain):** I have a petition signed by roughly 100 members of my community. It reads as follows:

"Whereas the regional municipality of Hamilton-Wentworth has imposed property taxes in excess of what is considered reasonable by the electorate;

"Whereas the electorate considers that the out-of-control taxation is a result of fiscal mismanagement and unnecessary duplication of government services by the regional municipality of Hamilton-Wentworth;

"We, the undersigned, do petition the Legislative Assembly of Ontario to appoint, through the Minister of Municipal Affairs, the Honourable Al Leach, a commission of inquiry as set out in section 139 of the regional municipal act of 1994."

I affix my signature.

## SCHOOL CLOSURES

**Mr Mario Sergio (Yorkview):** I have another petition addressed to the Legislative Assembly of Ontario, which I'd like to read.

"Whereas due to the Harris funding cuts to education the Toronto Catholic District School Board is being forced to consider the closing of 29 Catholic elementary schools in the city of Toronto before next September; and

"Whereas the parents of the students of St Gaspar School do not want the school closed because it is operating at full capacity, and fear the further chaos and crisis the Harris government is imposing on the education of their children; and

"Whereas there is apprehension and turmoil in the community that due to government rules to determine school capacity, hundreds of students will have to find a new school next September;

"Now, therefore, we, the undersigned citizens of Ontario, petition the Legislature of Ontario as follows:

"We call upon the Minister of Education, who has the primary responsibility for providing a quality education for each and every student in Ontario, to:

"1. Listen to the views being expressed by the teachers and parents of St Gaspar School students who are concerned about the implications and disruptive effects the school closure would have on their children;

"2. Recognize the fundamental importance of our local schools to our neighbourhood community;

"3. Live up to its commitment to provide adequate funding for the important and essential components of a good education and not allow the closing of St Gaspar School because it is operating at full capacity."

I concur with the petitioners and affix my signature to it.

1450

### PROPERTY TAXATION

**Mr David Christopherson (Hamilton Centre):** "Petition to the Legislative Assembly of Ontario:

"Whereas the Harris government's 'downloading' to municipal taxpayers is directly responsible for the \$36.3-million shortfall to the region of Hamilton-Wentworth; and

"Whereas the Harris government 'downloading' is directly responsible for creating a property tax crisis in our region; and

"Whereas the Harris government, while boasting about its 30% tax cut which benefits mainly the wealthy, is making hard-working families, seniors, homeowners and businesses pay the price with outrageous property tax hikes and user fees for services; and

"Whereas city and regional councillors are being unfairly blamed and forced to explain these huge tax hikes, Hamiltonians know that what's really going on is that they are being forced to pay huge property tax increases to fund Harris's 30% tax giveaway to the rich; and

"Whereas homeowners, including seniors and low-income families, are facing huge property tax increases ranging from several hundred to thousands of dollars; and

"Whereas the Harris government 'downloading' has led to huge property tax increases for business that will force many small and medium-sized businesses in Hamilton-Wentworth to close or leave the community, putting people out of work; and

"Whereas Hamilton-Wentworth region is proposing that the Harris government share in the costs of an expanded rebate program, worth about \$3 million region-wide;

"Therefore we, the undersigned, demand that the Harris government immediately eliminate the \$38-million downloading shortfall that is devastating and angering homeowners as well as killing businesses in Hamilton-Wentworth."

I continue to support Hamiltonians by signing this petition.

### BEAR HUNTING

**Mrs Barbara Fisher (Bruce):** As per the rules of the House, a minister may not present a petition, so I am pleased to provide on behalf of the Minister of Agriculture, Food and Rural Affairs a petition on behalf of his constituents.

"Whereas bears are hunted in the spring after they have come out of hibernation; and

"Whereas female bears are killed in the spring, some with cubs; and

"Whereas 100% of the cubs orphaned in the spring will die; and

"Whereas most of the bears killed by non-resident hunters are hunted over bait; and

"Whereas bears are the only big-game animals that are hunted in the spring; and

"Whereas there are only six states in the United States which still allow a spring hunt;

"We, the undersigned, petition the provincial Parliament to prohibit the hunting of bears in the spring."

### PROSTATE CANCER

**Mr James J. Bradley (St Catharines):** I have a petition which reads as follows:

"Whereas prostate cancer is the fourth-leading cause of fatal cancer in Ontario;

"Whereas prostate cancer is the second-leading cause of fatal cancer for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer; and

"Whereas the early detection blood test known as PSA, which is prostate-specific antigen, is one of the most effective tests at diagnosing early prostate cancer;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Minister of Health to have this test added to the list of services covered by OHIP and that this be done immediately in order for us to save lives and to beat prostate cancer."

I affix my signature to this petition as I'm in complete agreement with its contents.

### HOSPITAL RESTRUCTURING

**Mr David Christopherson (Hamilton Centre):** I have a petition regarding the health care system in Hamilton.

"Whereas the Harris funding cutbacks are having a devastating impact on hospitals and patient care across Ontario, and have resulted in an anticipated \$38-million deficit at the Hamilton Health Sciences Corp hospitals; and

"Whereas the Hamilton Health Sciences Corp hospitals will receive \$4 million less in revenue from the Ministry of Health and other sources; and

"Whereas the Mike Harris funding cuts are causing a crisis in hospital care in Hamilton-Wentworth, with



hospitals facing huge deficits, cuts to patient care and bed closings; and

"Whereas Scott Rowand, president of the Hamilton Health Sciences Corp hospitals, spoke out recently in the Hamilton Spectator saying, 'For the first time in my career, I don't know how to fix this problem other than an awful lot of closures of programs and services needed by the community'; and

"Whereas Mr Rowand went on to say: 'We need more cash in the system and we need it now. And that is cash to deal with the issues that we are dealing with today. Don't ask us to do anything more because people in the system are at their limit.'

"Therefore we, the undersigned, demand that the Harris government stop underfunding Ontario's hospitals to fund tax cuts for the wealthy and act immediately to restore funding to the Hamilton Health Sciences Corp hospitals so they can continue providing quality health care services to the people of Hamilton-Wentworth."

I support my local constituents by signing this.

#### HERITAGE CONSERVATION

**Mr W. Leo Jordan (Lanark-Renfrew):** To the Legislative Assembly of Ontario:

"Whereas heritage is vitally important to the social and economic health of Ontario communities and Ontario residents; and

"Whereas community museums, galleries and heritage organizations work hard to protect, promote, manage and develop our provincial heritage resources; and

"Whereas the provincial government has a responsibility to the people of Ontario to promote the value of heritage and heritage conservation; and

"Whereas the Mike Harris government has abdicated their responsibility for heritage by cutting support to community museums, galleries and heritage organizations; and

"Whereas the Mike Harris government has not implemented a new heritage act that would give communities the ability to better protect heritage sites;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to provide stronger support to Ontario's heritage institutions and organizations and to work with the people of Ontario to establish a new heritage act."

#### DENTAL CARE

**Mr John Gerretsen (Kingston and The Islands):** "To the Legislative Assembly of Ontario:

"Whereas a new schedule of dental services for children and people with disabilities was introduced by the government under the Ontario Works Act and the Ontario Disability Support Program Act; and

"Whereas the new schedule fails to meet the special needs of children and people with disabilities, reduces services, places barriers to accessing care and creates an environment for various different dental programs across Ontario; and

"Whereas the move away from an emphasis on prevention under the new dental schedule brings significant health risks for children and people with disabilities who are often least able to practise good oral hygiene; and

"Whereas the new dental schedule interferes with the patients' rights to consent to treatment by requiring administrators, and not patients, to authorize any dental treatment; and

"Whereas there is no method for the patient to appeal a decision by a plan administrator to deny dental treatment; and

"Whereas pre-authorizations, called predeterminations in the new plan, will require that a higher level of confidential patient health information be disclosed to dental plan administrators; and

"Whereas the Ontario government has caused confusion among patients by introducing the plan without adequate consultation and has not included any affected patient groups in consultations after releasing the new dental plan;

"We, the undersigned, petition the Legislative Assembly as follows:

"Delay full implementation of the new dental plan until the requirement for predeterminations is removed, patient confidentiality is protected, the plan emphasizes prevention in oral health care, and the government consults directly with affected patients to ensure the new plan will meet the special needs of children and people with disabilities."

It's been signed by approximately 20 individuals and I attach my signature as well.

#### PSYCHIATRIC HOSPITALS

**Mr David Christopherson (Hamilton Centre):** I have thousands more signatures in support of saving the Hamilton Psychiatric Hospital. These signatures are forwarded to me by Marjorie Martin, president of OPSEU, Local 203, signed by people who work at the hospital, area residents and in particular, family members of people who use the facilities at Hamilton Psychiatric Hospital.

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned citizens of Hamilton and the surrounding communities, beg leave to petition the government of Ontario as follows:

"Whereas the Health Services Restructuring Commission has announced the closure of Hamilton Psychiatric Hospital; and

"Whereas the government of Ontario, through the Health Services Restructuring Commission, is divesting its responsibility for mental health care without hearing from the community first; and

"Whereas community-based mental health care providers will bear the brunt of this ill-fated decision by being forced to meet what is sure to be an increased demand for their services; and

"Whereas the government of Ontario is not adequately monitoring community-based mental health services for

their effectiveness, efficiency or whether they are even delivering the agreed-upon programs in the first place, according to the 1997 annual report of the Provincial Auditor; and

"Whereas the community pays the price for cuts to mental health care;

"We, the citizens of Hamilton and area, who care about quality, accessible and publicly accountable mental health care for all Ontarians petition the Legislative Assembly of Ontario to immediately set aside all recommendations to divest and/or close Hamilton Psychiatric Hospital and the programs and services it provides; and

"Further, to call for full hearings to seek community solutions to community issues and to democratically decide the future of mental health care for the citizens of Hamilton and area."

I add my name to that of these petitioners.

### ABORTION

**Mr Bob Wood (London South):** I have a petition signed by 166 people.

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

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### ORDERS OF THE DAY

#### HIGHWAY 407 ACT, 1998

##### LOI DE 1998 SUR L'AUTOROUTE 407

Mr Sampson moved second reading of the following bill:

Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs and stimulating economic activity through the sale of Highway 407 / Loi visant à intéresser le secteur privé à améliorer l'infrastructure des transports, réduire la circulation engorgée, créer des emplois et stimuler l'activité économique par la vente de l'autoroute 407.

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** Before I start with today's debate and

my comments, I'd like to indicate to the House that I'll be sharing my time with the member for Quinte, the member for Durham East and the member for Durham-York.

Perhaps, before we get too far down the debate here, it might be helpful for those watching today, for some of the individuals who are watching in the Legislature today, and maybe for some of the members as well, to give a little bit of a history of Highway 407 so we understand what exactly it is that we're contemplating doing here and what this particular road infrastructure has been designed to do.

The background of 407 is actually quite interesting. One might have thought it's a highway infrastructure that was designed and implemented in the early 1990s, but in fact the history of 407 goes back to 1973 when it was part of the planning of what's called the parkway belt planning area. The intention at that time was to create a parkway belt that would be the outside perimeter effectively of the GTA. It was the insight of a Conservative government that originated the concept of the parkway belt, but it was interesting enough that subsequent governments continued to develop that idea to the state it is now, a highway that still doesn't surround the GTA, but goes through, one might say, the north, the east and the western part of the GTA; that is to say, development has actually grown past that particular parkway belt.

Interestingly enough, it's that additional development that has created a need for a highway such as 407, not only to provide some stimulus and economic growth for that particular area but to help with the traffic flows that have been created as a result of the tremendous population growth in the GTA, and certainly in the Hamilton and Halton areas. Highway 407 was designed and originally planned to help ease some of that congestion.

The congestion we're talking about — and I would use the drawing that I have here on my desk, Speaker, but I know that you would frown upon my using a prop, so I'm going to try to describe what we have here — that 407 is trying to relieve is the severe traffic problems that highway passengers, whether they be private cars or commercial vehicles, see on Highway 401 as it stretches across the city of Toronto.

Highway 403, which is a relatively new infrastructure, part of the parkway belt plan, by the way, but one of the first roads to be built in accordance with that plan development — 403 congestion is quite severe. The population has grown around it.

Then there is the QEW congestion, and many of the people in this particular area and certainly the members from Hamilton and the Halton area will be able to attest that that particular artery is indeed a very busy highway. There's a tremendous need in this section of the province for a highway to provide congestion relief to the existing 400 series highways: QEW, 401 and 403.

If you think about the way Ontario has developed in this area — and I know the member from the north would agree — there's a tremendous need here to provide some flow-through traffic as commercial vehicles follow the north-south route of trade that has developed between Ontario and some of the northern states, the connection



point of course being down in the Niagara area. Traffic, commercial traffic primarily, would have to find a way to feed its way through the Hamilton, the Halton and the GTA areas so that they could feed the consumers to the eastern part of the province.

There's a tremendous need for a commercial congestion relief highway. That's what gave birth to Highway 407. To give credit where credit should be due, and I'm quite prepared to do so, it was actually the NDP government that took the initiative to take the concept of a highway that would relieve congestion in certain parts of other highways and turn that into a reality. I see the member nodding; he was involved very closely on this particular highway. The interesting part about the NDP's involvement in this plan is that they chose to implement only the middle portion of the highway. The western portions that would have connected to 403 and the QEW were not part of the original plan. Likewise, the design they started to work on initially as phase 1, if you will, ended right in the middle of a small city —

#### *Interjections.*

**The Acting Speaker (Mr Gilles E. Morin):** The members for Scarborough East and Lake Nipigon.

**Hon Mr Sampson:** I know that the member for Lake Nipigon is quite interested in this. I'm sure he'll respond shortly.

I say to the member for Lake Nipigon, interesting first step. The problem was that there was no execution plan, even in their first step initiative, to build the eastern and western extensions. A highway that was originally conceived to relieve congestion didn't have, even as its first phase or its phase 1 development, a plan to develop the highway to its east and west extensions. That is what is driving our plan to find a private sector partner to help us complete the project.

**Mr David Tilson (Dufferin-Peel):** No beginning, no end.

**Hon Mr Sampson:** Yes, there was no beginning and no end as my colleague to the left has said. We will provide the beginning and the end so that indeed the highway will be completed and residents on the west side of the current highway and on the east side of the current highway will have the chance to use this facility. It will finally provide relief to the heavily travelled roads of 401, QEW and the 403.

I know some of my colleagues who will be speaking after me will want to speak to this and inform the House on this, but I think it's important to understand that while the highway under the NDP regime was built by the private sector, the majority of the costs and risks associated with building a highway — and there are many risks associated with building a highway, especially one that is intended to be a toll highway — stayed in the hands of the public sector.

1510

While one might have trumpeted this as a true public-private partnership, and indeed the previous government did so in the many brochures they put out, it's quite clear if you look at the design of the relationship with the

builder at that time, the fact is that it was not implemented as a true public-private partnership. Why? It's difficult to answer that question. I'm sure the New Democratic Party, when they stand up to speak to this particular bill, will be quite helpful in informing us on that. The fact of the matter is that the public sector, the taxpayers of this province, absorbed, for all intents and purposes, all of the risk associated with the design, the construction and the effectiveness not only of the road itself but of this rather innovative and to date quite acceptable and effective tolling technology that has been put on the road.

Our challenge is to get the east and west components completed and relieve the taxpayers of this tremendous debt burden they've absorbed as a result of an attempt by the previous government to structure this public-private partnership properly, yet failing to do so. We think it rather strange that one would ask motorists, whether they be commercial vehicles or private vehicles, to absorb the cost of travelling on the highway by paying the toll and yet at the same time financing that very same road they're driving on through their tax dollars. That's absolutely ridiculous and it's not an effective use of taxpayers' money.

Our plan would be to engage the private sector, not only to complete the east and west ends, which the previous government had no plan to do, but to do so with no additional taxpayers' money being involved and, on top of that, returning to the taxpayer the dollars they had invested in this highway as it currently is designed.

When one speaks to many of the municipalities and business owners on either end of the highway or through the GTA, they will quite quickly say to you that there is a tremendous need to provide the local businesses and residents in the Toronto area, in the Hamilton area, in the Halton area and in the areas to the east of the city with an alternative route — and they're quite agreeable to having a toll highway — to the existing infrastructure. They need that because it's necessary to support the economic development that is happening in this province.

I know, Speaker, you've listened quite carefully as the government has been explaining, day over day over day, how this province has turned around, and the economy is booming and this province is again the leader in economic activity in this country and, I would say, in North America.

Interestingly enough, as we went through our consultation phase on what to do with Highway 407, many people came to me and said: "Wait a minute, what do you mean you want to sell this highway? We don't own it. Doesn't the private sector already own this highway? Why are you talking about taxpayers' dollars being involved?" Again, as I said earlier, the facts are that while the previous government wanted to create an environment where the private sector was the owner of the highway and wanted to create the environment where the taxpayer was not funding the highway, they couldn't, and didn't, deliver on that structure.

We intend to deliver on that structure. We intend to go to the private sector through an open bidding process and

ask them to commit to build the east and west extensions, to take over the operation of the existing highway, to be responsible for the maintenance of the whole stretch of highway, to maintain it as a free and open highway so that anybody can have access to it and to relieve the taxpayer of the burden the taxpayer is currently bearing for the financing of the whole structure.

The bill we're debating here today will establish the mechanics for that particular arrangement, the mechanics for the collection and enforcement of tolls. It will set out provisions that relate to the management of the highway, who is responsible for managing what component of the highway, who is responsible for building the extra lanes that will be needed as the population continues to grow, who is responsible for cleaning the highway, and to what standards the highway will be maintained.

The bill will address these particular issues and will stipulate very clearly that safety is number one. We are quite concerned with the safety of the roads in this province and we will continue to insist that this road, under private ownership, will be maintained and built to the same safety standards as other 400-series highways are built and maintained to in this province.

I want to give some time for my colleagues to speak, but I think it's important for individuals watching today in the House to understand that we have established a process that will allow us to move ahead on this transaction. That process will be a fair and open process. We intend to solicit bids through an initial expression of interest arrangement. Once that has allowed us to identify the original list of interested parties, we will go through a process where they will be asked to submit formal bids and final bids.

We have engaged outside consultants, both legal and financial, to help us with this process. Contacts will be made through the secretariat that reports to me. They will manage the relationship with the potential investors.

I want to assure Ontarians that what we're looking for here is fair value for this highway. We're looking for a repayment of our tax dollars that have been invested in this highway. We're looking for a relationship, an arrangement, a partnering with a private sector individual or corporation that will share the risks in the management and construction of this highway. We do not intend to duplicate what the previous government did in the construction of the central portion. That is not an acceptable model to us. It wasn't an acceptable model to the auditor; it's not an acceptable model to us either. We think the arrangement with the private sector needs to clearly establish who is responsible for what, who will be dealing with what particular issues on the highway, and that's the type of arrangement we intend to seek.

It's also important for the people listening and watching today, and for the members of the assembly, to understand that the concept of partnership we intend to pursue will still involve this government, this province, owning the land and the parkway, owning the land on which the highway is constructed. What we're really looking at, and what this bill allows us to proceed with and establishes the

parameters for, is effectively the leasing of the highway that sits upon the land the government will continue to own.

What we're really talking about here is not necessarily the sale of the highway, as individuals watching us today might easily be led to understand, but effectively a leasing of the business of the running of the highway, the construction of the very important remaining sections of the highway, so that the province will still have ownership of the land, will still, as the owner of the land, have control over the future development of that land, whether that development be subsequent interchanges, a service station or some other facility that passengers on the highway might want, additional lanes, or as was contemplated in the original design some 20 years ago, perhaps a railway or a transit way that would be an alternative use to the private passenger vehicle. Because we will still be the owners of the property, we will still have control over how that land is utilized.

#### 1520

Our goal of course is to maximize value for the province, to relieve the taxpayers of the risks they've been forced to bear by the previous government and will not want to bear, and shouldn't bear, I would argue, in future development of the highway, and to complete this highway on its eastern and western extensions as soon as possible. In fact, we will be looking for bidders to establish parameters that will allow them, should they be successful bidders, to begin the construction of the western portion in the spring of next year.

That will be a key requirement for us because it's important that we get these facilities built. It is important that we get the western extension built. It's important because it's essential for the people who live in that area, and I would argue it's also essential for the continued successful operation of the remaining part of the highway.

On the east end, we will also be looking for commitments from the private sector of when extensions can be built right through to Highway 115, inclusive of any necessary connections to the 401 in the east end of the artery. That's important for us too, again for the same reasons, because the people in that area, the growth in that area demand it and need it and because it's necessary for the successful completion of the highway — two very important requirements.

I should say that we are also talking about a tremendous infrastructure project here that not only will create and continue to provide for the economic development of Ontario and perhaps this area of Ontario, but will allow for the creation of 6,000 new jobs in this province. It's important for us to understand that when we talk about those 6,000 jobs, there are other related jobs as a result of those people having jobs.

It goes to show that if you can partner with the private sector and do it properly and effectively and have the right risk-sharing arrangements with the private sector, you can do that and create jobs at the same time without one dollar of taxpayers' money being invested.



To close and pass on to other members who want to speak, I think it's crucial that we understand that partnering with the private sector through associations and transactions like this creates jobs. They help improve the economic performance of this province. They do so without a burden on the taxpayer.

There is a role for government to play. Yes, there's a role for government to play and, as you read this bill, you will see that we've designed a role for government to play. There are responsibilities of government, but there are also responsibilities of the private sector. Properly structured, properly crafted, properly designed and properly monitored, together with the private sector we can create jobs and continue the tremendous development that has happened in this province over the last while.

**Mr E.J. Douglas Rollins (Quinte):** It gives me a great deal of pleasure today to rise and support Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs and stimulating economic activity through the sale of Highway 407.

I also want to congratulate the minister on the work he's put into it. I wholeheartedly agree with the concept that we need to get rid of this piece of property to save the taxpayers of Ontario some taxpayers' dollars, if we can improve it and put it in the private sector making sure that the private sector can go on and still make a very viable operation.

I want to take you back a little bit in history about Highway 401. I was a young lad going off to school when they opened the bypass around Toronto. The 401 in 1958 looked a lot different than it does today. The only place to get off 401 that had lights in 1958 was at Yonge Street. It was the only one that had lights on it. When you drove by the corner of Yonge and the 401 there were farm fields out to the north, horses and cattle pastured in them, and now that whole artery has developed into a horrendous highway that's packed most of the time.

I can tell you, having driven on the 407 on a few occasions, that even though we've just opened it and it hasn't been opened a long time, on October 2 I had the pleasure of being on the 407 and we came to stop-and-go traffic from close to Yonge Street to the west side of the 400. This exemplifies the exact need we have to develop the kind of infrastructure so that we can move trade and make sure our vehicles and transportation can move freely from east to west.

As we listened to the House in Ottawa the other day, the surplus in Canada was the biggest surplus we've had for the last month. I want to remind members that much of that surplus trade travels up and down the 401. It travels across our province from east to west. I think the development of the 407 will relieve some of the pressure on the 401 so we can make that trek in from the far east under a little bit better conditions.

My colleagues from Hamilton and Halton and that area continually tell us about the delay and the length of time it takes them to come into Toronto with the congestion they have. The extension of the 407, connecting with the 403

and on down through to the Hamilton area, will relieve a lot of that pressure. When some of our opposition members get here with less frustration, they'll probably be a lot more congenial — after they bugged up the highway and got it started.

The big thing is the construction of that highway that we as a government are offering to put up for public sale. We're not offering to sell the ground under the highway; we're offering to sell the infrastructure, the ability for that company or consortium to take those dollars, invest in the highway, collect the tolls there and make sure the roads are open for all travellers, whether they be trucks, cars or whatever comes in the future, so we can use that highway to alleviate some of the pressures we have.

As we come into the city from the east, on more than one occasion we've had to come to a grinding halt coming into the Oshawa area because the highway is congested and it becomes stop-and-go traffic. It's very frustrating for the people; it's very hard on the economy to lose those hours of time on the highways.

How many dollars do we have invested in the 407 at the present time? As of March 31, the taxpayers of Ontario have somewhere around \$104 billion. If we have that \$104 billion invested in capital and if we can take that back from the private sector, sell it and put those dollars back in, we'll make one more promise in the Common Sense Revolution when we sell that asset. Yes, ladies and gentlemen, we can pay down that debt we've inherited. That's very important, not only to our generation and the commitment we made in the Common Sense Revolution but to the commitment we as a government have made to the people of Ontario. As long as we have that kind of commitment and keep on our goal, we'll do a better job.

Another thing the minister mentioned was the process put into place to sell this piece of property, the services we can sell. We have to make sure Bill 70 lays out very clearly what we're selling, what the rules of the game are going to be and where we fit into it.

Regarding the acquisition of most of the land to the west, from the extension of where it ends now at the 401, where it goes on down to the Hamilton area, much of that land is already in the process of being developed, with ownership being turned over, so we can go ahead and develop it.

In the east — I'm very interested in the east because we travel from there all the time and so do a lot of our colleagues. I know one of the other speakers, when that east extension goes on to the 401 it goes through nearly his entire riding, right from one end to the other. But we have to go through the process to make sure the 407 gets connected to the 401 so it gives an alternative traffic route for people with tractor-trailers, cars, holiday weekends and also, probably a more important thing, that trade which we have to have travel up and down the 401.

1530

The minister mentioned the 6,000 jobs it has created. We have to be able to continue to develop our province so we can make sure we have those kinds of jobs for our children and our grandchildren, handing those jobs to them

without having the tax burden as far as putting on to them the cost of the operation.

Over the next few days of debate and everything that will be put in on Bill 70, the designation of the 407 — it's a nice thing to say you're going to sell a whole highway; all we're going to sell is the ability for that company to take over that highway, to run it, keep it up, with the controls that we want to have on it, and make sure it keeps the safety standards that are required to make sure people are running on a safe and required highway.

There are many parts of the bill in here that we will continue to discuss as the days go by, but one thing is to make sure that the company that collects the toll takes the same position that we as a government do, that we can make sure the person who uses that highway pays the bill; and if at the end of some 90 days somebody feels they have not collected that toll, that company we turn it over to make be given the appropriate procedures so they can make sure of those collections.

It's a delight for me, as a person from the east, to stand up and support the minister, the way he has put together this bill to make sure that Ontario is well represented, that we as taxpayers have guarantees we're not going to lose on this, that we're going to win on it. If we can entice the private sector — and they tell us there are a number of people out there who are interested in bidding on this — then we can pay down the debt we inherited from previous governments and make sure we have a safe, viable operation so trade and consumers can move freely back and forth, safe, without accidents, the way we can move in and out of our area.

The Toronto airport is certainly a fascinating magnet that draws a lot of traffic in and out of it, and for us in the east who have to travel up and down that road with only one way to go, it certainly relieves a lot of pressure to have the opportunity to travel on the 407.

I'll share my time now with the rest of my colleagues. It's my pleasure to pass on to them. Thank you very much for my opportunity to comment.

**Mrs Julia Munro (Durham-York):** It certainly gives me great pleasure to rise in support of and speak on the bill on privatization of Highway 407.

As you know, our government was elected with a mandate to make government work better for the people it serves. So far in our mandate we have accomplished long-overdue changes never attempted by previous governments. We have learned that we make better decisions when we consider the advice of people outside government and that everyone benefits from an open process, when our plans and proposals are made public and made clear.

As the Premier stated while in Ottawa this past weekend, we are not government; we're the people who came to fix government. This is certainly why I came to Queen's Park and why I support the process put in place to privatize the 407.

The introduction of Minister Sampson's bill, entitled An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion,

creating jobs and stimulating economic activity through the sale of Highway 407, says it all.

I think it's safe to say we've all been stuck in traffic and we wished we belonged to the Star Trek generation of "Beam me up, Scotty." Sitting in traffic is not fun for anyone, which is why we need to build toll highways such as the 407. People need choices.

Just like various other aspects of government, public ownership of various kinds of businesses and services has been built up over the decades. Quite often there were good reasons for government to get involved. However, in many cases those reasons no longer exist, because things change. It becomes very clear that the private sector needs to be involved.

Over and over again it can be demonstrated that the private sector can provide efficient delivery of service. We need only look at other provinces and internationally to see where those experiments are working very successfully for both the businesses and the taxpayer as well. At the same time, the province has a responsibility to set out in this legislation the guidelines to ensure that a prospective purchaser must meet these requirements, must meet the requirements of provincial standards and guarantees of safety and policing, which must remain in place.

But as we look at those changes, we recognize that the needs and priorities of Ontarians change too. We are prepared for these changes. That is why we are constantly looking at where, why and how we are investing taxpayers' dollars. As Minister Sampson stated:

"The taxpayers have financed the construction of the 407. They own it. On top of that, the taxpayers are being asked to pay tolls.

"To me, that's ridiculous. What we need to do is make sure that those who want to pay the tolls don't also have to finance it through their tax dollars. That's why we're proceeding with the sale process."

Everyone counts and everyone has the right to make choices. People choose to travel the 407 because they know it saves time.

As a bit of background, the highway was originally conceived as a public-private partnership project by the NDP government in the early 1990s which originally called for the highway to revert to provincial ownership within 30 years. The Office of Privatization began its review of Highway 407 in June 1997. Using the Ontario privatization review framework, the review assessed a range of options that would involve the private sector in financing, building and operating the Highway 407 westerly and easterly extensions and in financing Highway 407 central. As a result of the review, the government made the decision to sell the highway.

We also recognize the need to protect Ontario taxpayers, and as a condition of sale the purchaser will be required to build, finance and operate the two extensions and finance the central section subject to certain conditions.

As part of the process, a call for expression of interest will be issued shortly in order to identify and communicate with potential bidders for the highway. Potential bidders



will undergo a pre-qualification process to evaluate their financial and technical ability to undertake the project. The bidding process will be conducted in a fair, open and competitive manner.

There are those who ask, "Isn't the highway already privately owned?" This is a great misconception. While private consortia had the responsibility to design and build the highway, as well as managing its operation and maintenance, the ownership of the highway and the costs of financing the construction of the central section rest with the province. It is also important to note that the province will continue to own the land on which the highway sits. The highway will remain an open-access tolled highway. That means that the owner of the highway will be required to allow any non-commercial vehicles to have access to the highway regardless of whether or not they have transponders. As I mentioned earlier, the OPP will continue to patrol the highway even under private sector ownership.

We all recognize the importance of job creation, and it is expected that more than 6,000 private sector construction-related jobs will be created in building the extension. I think it's important to see this in the bigger context in terms of the importance this infrastructure has with the province. Since September 1995, 408,000 net new jobs have been created in this province. This alone has enormous impact on our towns, our communities and on individual families.

The role of the provincial government, then, is to provide a framework within which this economic activity can take place and flourish. We have an obligation to ensure the infrastructure is there to support this economic growth. It is in that context that this major transportation artery will stimulate investment and activity in the 407 corridor, and this again can be expected to translate into further new jobs.

1540

Highway 407 represents an important component of our provincial transportation network. Improvement to the network will also improve the provincial economy. The government will fulfill our election commitment contained in the Common Sense Revolution to apply the proceeds of the sale of Highway 407 to pay down the provincial debt. By reducing the debt, we will ultimately have more flexibility to fund our priority areas.

In short, I support privatization of the 407 because it will help to improve service and value to taxpayers and make government work better for those it serves.

**Mr John O'Toole (Durham East):** It's my privilege to comment on Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs, and stimulating economic activity through the sale of Highway 407 — a very comprehensive title. I think the minister in his opening comments made it very clear that this isn't a new issue by a long shot. I have to recount for the members listening today that it's been an issue. I served on Durham region council and on the municipality of Clarington council for a number of years, and prior to that for sure.

I think the best way I've seen it defined or heard the remarks — this is not my own comment. We've all heard of the popular movie *Field of Dreams*. The famous line in that movie is, "If we build it, they will come." How that line applies to 407 is that without the infrastructure of the 407, the Durham region really has an economic bottleneck on Highway 401. If you look at the anchor of Oshawa and Burlington, Burlington to Oshawa needs good infrastructure, and certainly the 407 is that important infrastructure for the economy and for the jobs and for the people of my riding of Durham East.

It's important to put into more perspective the importance of the 407 and getting on with business. My comments aren't in any way rehearsed, but because I'm familiar with the project and very comfortable, in the time remaining I will try to inform the members here of how important it is to my riding.

My riding sees this as both an opportunity and a challenge, and in that challenge there are issues. I respect the environment, as I think most Canadians and most Ontario citizens and certainly the people in Durham do. My riding of Durham East is sort of from Regional Road 23, Lake-ridge Road — you might see that sign on the 401 — all the way east to the border of Northumberland county and north of that. Part of my riding is north of Taunton Road. But that area is a very important environmental area. The Oak Ridges Moraine runs right through that whole area, and that's the issue here. It's very important that the routing of this highway have respect for the environment.

I'm going to be there. I'm on record, both when I was a councillor and here today, that I want the environmental assessment process to take precedence in the technologically preferred route for the highway. There it is; it's on the record. I respect the environment. I want the EA process to apply and the alignment shouldn't just be an economic decision; it's got to respect the environment.

But the other side of this field of dreams is an opportunity and a dilemma for my riding. The opportunity, of course, is the economic reality. Without that link we are not very competitive in this GTA global marketplace.

When I'm looking at the map here — just for the other members, there's the map of the technically preferred route — I'm looking to the west, our famous neighbour to the west, Mississauga, that seems to run everything in southern Ontario. I look at the infrastructure they have. They've got the Queen Elizabeth Way, they've got the 403, they've got the 407, they've got the 427, they've got the 400 and the 404 highways, all this major infrastructure. On top of that they've got a major airport. That is why Hazel McCallion is successful. She has an endless stream of revenue all generated because of the important infrastructure in the area. It is also a well-run and well-represented area. The member for Mississauga South I believe is a very capable person and probably works very closely with Hazel.

If I look to the east, the poor neighbours to the east, we have bottlenecks. I drive to Queen's Park every day and I usually have to leave at about 6 in the morning to get here for an 8 o'clock meeting. If I don't leave by 6, I'm not

here till 9. If I leave even later than that, it could be three hours of commuting. All of my constituents have the same concern. We need this link. We also need GO Transit, public transit developed a little more aggressively in the area. But to stay on topic, I'm just trying to illustrate the importance of this particular piece of infrastructure.

I've done a bit of homework on this. As I said, I've been involved in it for a while. It's important to state that this has been a challenge for not only Durham region but the seven or eight municipalities within it. They haven't been able to agree how to get the frigging thing out here. For the record, I'm going to go through a few of the resolutions. With the co-operation of some of the municipalities, I've got their official positions on this alignment issue.

I'm looking at a resolution passed by the town of Whitby in 1997, just to see how controversial this thing is in that area. They want it, absolutely. They want it tomorrow morning, but they can't agree on some of the other, routing issues.

"At a meeting held on December 15...the council of the corporation of the town of Whitby passed the following resolution in connection with the Lakeridge Road/Highway 401 interchange."

This may seem boring to some of the people here, but that will be the first opportunity for the 407 to link with the 401 in the easterly portion of the highway. Whitby council and Durham region have been arguing to have an official position as to whether they were going to accept some link. Of course, without the link, the 407 became problematic. It ended in the middle of the field of dreams. Here's what they said in December 1997:

"That the Ministry of Transportation be requested to commit to the full construction of the Lakeridge Road/Highway 401 interchange with the extension of Highway 407 into the region of Durham or as a priority project should the extension of Highway 407 into Durham be deferred.

"That the Ministry of Transportation be advised that the town of Whitby sees this as a priority project in order to,

"(a) provide a continuous link between Highway 401 and the interim terminus of Highway 407 to benefit the function of Highway 407 and the traffic needs for the city of Toronto and the region of York and the region of Durham."

It goes on, but you see some of the controversy there. Technically, there's no sense building the highway until you've the link issue resolved. Yet on the other side, the region of Durham, and chairman Roger Anderson, has been arguing relentlessly to get this highway out there, but it's got to have some method of linking up to the 401. I might add, we have a similar problem at Markham Road where the terminus is right now. The cars have to bunch up somewhere to get down to the 401 or up to Highway 7. This may seem a little tedious for members because some of the technical arguments have been made by the previous members.

There is another resolution here, for the record, February 17, 1998, from the town of Whitby. I'll go through the preamble:

"The council of the corporation of the town of Whitby at a meeting held on February 16, 1998, passed the following resolution in connection with the easterly extension of the 407 expressway."

I won't go through all the "whereases" but it has to deal with where traffic goes. For instance, in my riding there is a little community of Brooklin that would be just overwhelmed with traffic, and Winchester Road was the issue.

"Therefore, be it resolved that the Ministry of Transportation be strongly urged to construct a bypass around the village of Brooklin utilizing the 407 alignment to Winchester Road in advance of any further easterly extension of Highway 407."

They kept putting in these encumbrances on not only the province but their own region, if you will.

There is also, from the town of Whitby, another concern and issue. This is from the current mayor of Whitby. I'm just going to read the last statement of a memo, dated January 1998, that he sent to the Honourable Tony Clement. I hope I'm not plagiarizing here, but I think it's important to put it on the record. The mayor is Marcel Brunelle and this is his position:

"It is Whitby's view that there are basic and fundamental deficiencies in the environmental assessment for the...Ajax/Whitby...freeway-to-freeway route study. As mayor I am of the opinion that the position being taken by the ministry demonstrates a bias to what is an incomplete environmental assessment report, which I am sure is not intended by your office."

1550

I might say right now that the EA process has been approved to Brock Road, so that argument — the Ministry of the Environment has approved that clearance so they can make some connection at some point.

But I go on. I'm looking at an article here by Mike Kowalski, who's a reporter in a local paper in the riding of the Minister of Labour, the Honourable Jim Flaherty, from Durham Centre. All members of council have commented on this, but I know Minister Flaherty has been very concerned about the two issues. Minister Flaherty is obviously very concerned. He's the person who dealt with the Lynde Marsh issue. He's also a minister who knows that a healthy economy and jobs are an important part of having a healthy environment.

So there's Whitby solved, and we're not halfway through the municipality. For the record, there's no possibility of a link of the 407, which is north of Oshawa, down to the 401. It's all developed, unless they want to expropriate a whole city block. I don't think that's going to happen.

I might also add that once you get past Markham Road on the 407, most of the studies indicate that there's no economic justification — not enough volume. Basically, the farther east you go on 407, most of the people are going to their cottages. Maybe they're going to Peter-



borough, but that's not a commerce link, in my view. There has to be more discussion on that eastern link, I'm convinced. That's my riding. That's why I'm talking on this issue today, to put the issues — not just my own issues; that's not my role — that I hear from my constituents on the record.

I've looked briefly here at the Whitby record. Now I'm going to look briefly, Mr Speaker, with your permission, at the record of the township of Scugog, another important part of the northern part of my riding. They're really saying here in this correspondence, dated January 23, 1998: "A copy of your correspondence to the Hon Tony Clement, Minister of Transportation, regarding the above matter..." was received at our last regular meeting.

"I wish to advise that council endorsed and supported the town of Whitby's position on the matter through resolution 98-046, a copy of which is enclosed for your information."

I was sent a copy of that resolution. That was the "Resolution to the province in support of the construction of the Lakeridge Road/Highway 401 interchange." Scugog, of course, is north of the 407. Once you build this 10-lane highway, this super-infrastructure, that's going to sort of terminate the urban expansion. That's going to be the upper limit of urban growth, hopefully, as it should be. I think underneath that the municipalities have some zoning issues themselves to deal with, the properties that front.

I go back to my riding, Durham College and that area, that strip through the riding, to help people understand and orient them. There will be land value issues to be dealt with in the fullness of time that will affect farming operations. Their investment in their land is very important. They have to know where this route is going to go, because there's the threat of this highway. So it's important that this legislation allow that to happen and that the environmental issues and others are addressed.

The final thing is that Durham region's position is clear. I'll just read: "That the region...continue to support the ultimate completion of Highway 407 to Highway 115/35 and urges that all necessary steps be taken to expedite this project," as soon as possible. That's October 29, 1996. It's even more critical now that we're in October 1998. You can see that the municipality has been wrangling with this thing for about five years and now the minister's making the process open and possible to happen.

If you look through the sections of the bill, the bill itself is fairly technical. I'm more comfortable looking at the preamble of the bill and the compendium that comes with it, which is sort of a short form, the Coles Notes version. In that, the main issues that I've looked at, the first thing is, what commitment, what guarantee do I have that it's coming? I'm assured there are triggers or levels of traffic flow or studies where the new owner, whoever purchases this piece of concrete, will be required to complete certain portions of the highway.

It's important to get that infrastructure out into Durham, and I'm comfortable that there are requirements, whoever tenders this, that it's not going to go into another

10-year delay. We need this highway for the economy of Durham and we certainly need it to the Whitby link that we've just been talking about.

The other one is the EA process. I'm going to slip through to that section here. The member for Durham-York, Ms Munro, covered that to some extent, but I'm very happy that there's a section of the bill here — I think I wrote it down on the bill, actually. The section of Bill 70 that I'm dealing with here is the Environmental Assessment Act, subsection 38(1):

"Highway 407 shall be deemed to be an undertaking as defined in the Environmental Assessment Act and, for the purposes of management of that undertaking, the owner shall be deemed to be a public body to which the Environmental Assessment Act applies."

Very clearly, whoever takes this over will have to comply with the Environmental Assessment Act. I think my constituents' concerns are addressed and I have the assurance of the minister and the staff of the ministry, the technical people who will lead this project or guide it through the process, that this indeed is what will happen.

There may even be those who question other sections in the bill, but those sections are for clarity. Section 43 deals with the Conservation Authorities Act. Clearly, the Environmental Assessment Act overrides those responsibilities, so we have that approval as well.

Just going back to a couple notes I had, the municipality should be aware that no highway corridors are taxed. There's no land tax on municipal highways or provincial roads. In this case, we still own the land. It's provincial land, so there won't be any municipal tax revenue from the roads. There won't be any payments in lieu or any of that kind of thing. It's my understanding as well that there will be no development charges. In other words, if you build something in a municipality, you have to pay a development charge. Whether it's a barn, a community centre or whatever, you have to pay development charges. They will not apply in this case; they'll be exempted.

It's my understanding as well that the minister, through order in council, has a number of authorities over the owner with respect to toll policies and other areas, so it's not as if the ministry is walking away from this project in any way. What it is doing clearly, and I think this is a very important observation — the minister said in his opening remarks, if I may, that: "Ontarians are paying twice. We're carrying all the debt and all the liability, thanks to the previous Ministry of Transportation and the previous government" — I'm sure he'll comment on that — "but we're also paying when we use it." That is a problem which — now the share capital, the infrastructure, is going to be carried by someone else and the liability from that is going to be carried by some share capital organization. It could be a bank who holds it; I don't know who's going to hold the debt, but the revenue is going to be the tolls. Their business plan is going to say: "Look, if we spend this much, the revenue's that. Is there any affordability in this project?"

Logically, the government should be asking the same questions. When we promise the people of Ontario some-

thing, we should tell them how we're going to pay for it. But for too long at all levels of government they promised everything and then they just taxed you to death for the next 10 years. In fact, that might in some respects be the Liberal plan: "Promise everything. Don't worry how you're going to pay for it."

I think this business plan clearly — and I've been assured by the minister that of this \$104 billion or \$107 billion that we have invested in this thing so far, if we don't get the money, he won't accept the deal. We're going to tender this thing out in a fair and transparent way and at the end of the day the minister will make a decision that is to the best benefit and the best advantage of the people of Ontario.

I'm just commenting here on a couple of my background checks. The Provincial Auditor's comments back in the original deal in 1993 — Erik Peters, a very respected public auditor, identified some problems with the 407 deal at the time. He said: "Significant financial ownership and operational risks remain with the province. A private sector partner must involve a sharing of the risks." Clearly, Minister Sampson has addressed that in his comments.

1600

I want to establish two things in my concluding comments. If we build it, they will come, and that means we need it for jobs. If you look at Mississauga, they've got all the infrastructure I've talked about. We need this highway for the economy and the people of Durham, my residents.

We must also have regard for the environment. I'm reassured here that there's an EA process where that will be respected.

We've provided the opportunity for this to take place. I look forward to the 407 coming into Durham and the jobs and the prosperity that will bring, the 6,000 jobs, as the minister said earlier. I'm satisfied that public consultation will take place to address the concerns, whether they're in the agricultural community or in the other sectors of our community.

**The Acting Speaker:** Comments and questions?

**Mr Richard Patten (Ottawa Centre):** It's a pleasure for me to participate this afternoon. I want to make a few comments. I always find it fascinating to hear a variety of members talk, because, from my point of view, it fleshes out a variety of questions.

The first thing I want to say, though, is that there's no question the congestion issue, which the member for Durham East certainly confirmed and the minister mentioned in his leadoff, is a big problem. It's a big problem for a lot of the region, and it's a big problem for the city of Toronto. I must say, coming from Ottawa, Toronto is a very nice place to be once you're here, but it's a hell of a place to get in and out of. So I empathize with the desire and I agree with the desire to try to do something about it.

The minister talked about the east and west extensions on this highway. I'm interested in the parameters of that, the time frames he's talking about, because I know a lot of people are interested in that. There is no doubt that the arrangement he talked about was different from the

arrangement the NDP had when they were in power. The important question on that is: What will the deal look like, and will there be a transparency?

You talk about putting forward a RFP. Good. What will be the process? Will that all be done behind closed doors? Will the parameters be shared? After the deal is dealt with and confirmed by cabinet, will the terms of the arrangement be there? What is the protection in the long term for the people of Ontario in terms of the investment and the passing over to the private sector of these particular things?

The other thing, of course, is the implications of the toll rates. If they're so expensive now, with public money it, why would they be less expensive when you have private financing of this?

**Mr Gilles Pouliot (Lake Nipigon):** So the government wishes to sell Highway 407, preferably, of course, to the most able and highest bidder.

Mr Speaker, I understand, and I need your help, that they have conducted a privatization review. We know that the privatization review was entirely paid for by the taxpayers. I'm asking the government, where is the review that the people paid for? They talk about transparency. I'm not so sure. The New Democratic Party built the 407 when we were the government under the auspices, with the opportunity — private, public. Our process was fully transparent, but they say, "Commercial confidentiality does not allow us to share the review with the opposition or with the members of the public."

If we don't have the review, how can we decide? What are the terms of reference? What are the conditions of this sale? We know that they need the money big time, among other things to finance the tax scheme. Will they throw in a couple of bridges? Once you buy the highway, do you get another one free? Those are serious questions that we want answers to. What are the terms and conditions? What are the contingency plans? What kind of contractual arrangements? We don't have them.

Philosophically we are opposed to it, of course. We know and they know too. So we're asking more questions. We'll have a chance to debate, and then we'll go back and we'll guide you through a true story: the achievement by the New Democratic Party, the creation of 20,000 jobs. We'll get to it in a few minutes.

**Mr Tilson:** I'd like to comment on the three speakers of the government and the presentation they've made to the House with respect to this bill. They talked about the traffic jams on the 401 and the QEW, and I think all sides of the House will agree that we have to do something.

It is interesting, of course, to go back in time to a press release of February 10, 1993.

**Mr James J. Bradley (St Catharines):** Who was in power then?

**Mr Tilson:** Somebody called Bob Rae was in power then, and there was a Minister of Transportation called Gilles Pouliot. This is what was said in that press release. It talks about how this highway couldn't be completed for almost 20 years without getting involved in the private sector. That's what they said. They said, "The degree of



private sector involvement in the financing and the building of 407 could enable us to do it even faster and at less cost."

This is like the minister's speech. Then of course they continue in the press release — I'm sure this was written by the former Minister of Transportation:

"Those who will benefit most from the road will contribute to its construction costs. The corporation will create new windows of opportunity for business and government to work in partnership. By renewing our infrastructure in this way, changing the way we do business, we are investing in our future productivity."

This is great stuff. It could have been written by a Tory government. So I join with the minister in congratulating the New Democratic government of the day for initiating this idea.

The only problem was, with all these wonderful ideas to solve this problem, they built a road that had no beginning and had no end.

**Mr Bradley:** I want to get clarification from the minister. Perhaps he can lean over to the member for Dufferin-Peel. Surely you were reading from a Conservative minister's statement. It could not be my friend Gilles Pouliot; it could not be the NDP proposing the privatization, even the partial privatization, of a highway in this province. I know we're not supposed to accuse people of misleading the House; I almost thought the member was, but he assures me it is not. So you're saying the New Democratic Party was the party which started us down the road to privatization of our highways. I find this hard to believe. I'm sure it'll be clarified.

I know Buzz Hargrove, when he is launching his new book tonight in Yorkville, *Labour of Love*, will be perhaps speaking about the fact that the New Democrats started on this path. But I forgive them now.

On another subject, I want to know if, when the highway is privatized, we will still have the signs paid for by the taxpayers of Ontario that say, "Your Ontario Tax Dollars at Work, Michael D. Harris, Premier," like some Republican governor in the United States. As you drive through, you see these signs that say, "Governor So-and-so." So we have Governor Harris's name on these signs. I'm wondering if that will be part of the deal. Will we still see these signs, or will they only be found everywhere else in Ontario at the taxpayers' expense, while there are so many significant cuts elsewhere? This government, as part of its advertising campaign, is squandering millions of dollars on television, radio, full-page ads, pamphlets, and now I see road signs. I know the minister will help me out with both of the points I've raised in my two-minute response tonight.

1610

**Hon Mr Sampson:** I appreciate the comments of my colleagues and members from the opposition.

I want to speak, first of all, to the environmental issue that was raised by one of my colleagues. The bill is actually quite clear that the environmental restrictions and conditions on the east and west extensions of this road will be the same as they would have been if government had

been the developer and the builder of the extensions of the road — no different, no less. They will be the same. So as it relates to any environmental approvals, the owner of the highway, who is actually leasing the highway, will be required to achieve the appropriate environmental approvals.

The member for Nipigon spoke about the process that will allow us to get to a final sale. I think if he were to read the bill carefully again he would see that this bill just enables us, should the Legislature give us approval, to proceed to the step that would allow us to seriously entertain any offers. There are no terms and conditions of a proposed sale because we haven't gone that far down the process yet. It would be unfair to engage the private sector in serious consideration of leasing this highway, the sale of this highway, if you will, without fairly establishing the parameters under which a sale might proceed. That's why we've come forward with the bill now.

I'm encouraged by the words of support from the member for St Catharines and his comment about signs. Perhaps the signs on the 407, when the sale is concluded, should remind taxpayers that although the NDP government felt it was appropriate for taxpayers' dollars to be invested, we might want to say, "Taxpayers' dollars are not invested in this highway."

**The Acting Speaker:** Further debate?

**Mr Joseph Cordiano (Lawrence):** I'm very delighted to speak on this, coming on the heels of the debate that's taken place between my colleagues from the New Democratic Party, the government that built the highway, and my friends in the Conservative Party. The debate is focusing on whether this is an actual private sector deal or not and whether this government will do a private sector deal in the future, privatizing the highway.

I suppose the previous government, the NDP government, thought it actually had a good thing going. They built the highway with public sector funds and then let the private sector run it, so that the public would take all the risks, ensuring that the technology that was rather new, the technology that was having all sorts of problems getting off the ground — at the time the then Minister of Transportation, my friend Mr Palladini, was overseeing that, there were all kinds of technical problems.

**Mr Bradley:** Does Buzz Hargrove know this?

**Mr Cordiano:** Buzz Hargrove would like to know this. I'm sure at the time he raised quite a few concerns about what the NDP government and the private sector were doing with public dollars.

Before I go on, Mr Speaker, I'm reminded to let you know that I am sharing my time with several of my colleagues: the member for Ottawa West — Ottawa Centre, pardon me — and the member for St Catharines.

**Ms Shelley Martel (Sudbury East):** Oops.

**Mr Cordiano:** That's right, oops. I made a mistake on that one. I think that is just a memory now, the previous member I was referring to. Let me get back to the main point which was that —

**Mr Tilson:** Time flies in here.

**Mr Cordiano:** Well, I've got plenty of time. I'm here for at least an hour.

The main point is that while the two parties — the Conservatives and the NDP — quibble over what is an actual privatization, what was the public sector's involvement, what was the private sector's involvement, the fact of the matter is that the previous government used public dollars. They went out and financed the construction of a public highway with public dollars. This was a contortion of the model that I thought was being proposed.

Now the government is telling us that now that the public has taken all the risks, ensuring this highway is going to work, they're going to go out and sell it to the private sector and let them go to town with it. We have major concerns with that, major concerns that flow out of the fact that we have no details of what this means for the public purse, what it means for the ultimate taxpayer in Ontario. Are they going to get good value for their money? That's really what this comes down to.

I have to look at the previous deal that was put together by the NDP government. They went out and secured financing at a much lower cost than any private sector corporation or consortia could put together, because governments have a lower cost of borrowing than the private sector does. In the main, that is true. They went out and secured financing for it. But the negative aspect of that, the thing I thought was a real downside, was obviously that the public took all the risks associated with that.

My friend from Durham East pointed out and quoted the auditor. At the time I was serving as Chairman of the public accounts committee and we were quite concerned that the public was absorbing all the risks and liabilities that came with this deal that had been cemented by the NDP government to build the 407. The fact was that the private sector got to charge the tolls and the government had this long-standing commitment in terms of long-term debt on the books. Well, it was off the books, and that was another controversy that was raised by the auditor at the time.

Where do we go from here? I have all sorts of concerns I'd like to raise with respect to that, questions around the process that's to be followed. The minister raised some points regarding this and how he followed a certain process — I want to comment on that in just a moment — the question of value and how you end up valuing this. In theory, I don't quite understand how you're going to value this. The timelines that are involved and how you end up making a deal with the private sector are matters of public concern. There has to be transparency when you're making this deal. We have to have some public input. What kind of deal is it going to be? What are the conditions? I want to talk about all those things, and I'm sure the minister isn't anxious to hear that.

We can talk about other transportation issues that are parallel to the questions around Highway 407 — public transit, GO Transit — and how that ties in. Is there an overall transportation plan that has been put forward? I understand it's not this minister's responsibility since he's the minister for privatization, but the Minister of Trans-

portation should be responsible for that, and the cabinet in general.

To date we have not seen an overall transportation plan that would include a long-term vision for public transportation. That's simply not talked about by this government, and it is a concern to many people across this province.

Let me start with some concerns around the prospective sale. I think none of us on this side of the House would be against the idea of a public-private sector arrangement. In principle there is nothing wrong with that, in fact it can work quite well, but we have to lay the foundations for that and we have to make it quite clear what the terms and conditions are. The framework for that certainly has not been laid out.

As I said, the previous deal that was put forward by the NDP was not a deal I was quite comfortable with and I don't think was a very good arrangement at all. I understand the government's intent to change that, but with this bill you have not put forward enough details for us to determine whether it makes any sense or not. The general guidelines that are put forward in this bill as enabling legislation simply don't address those concerns. I know the minister is going to say that's coming, but tied into that concern is, what process are you following?

You talk about public consultation, and I want to be fair about this, but when there was the question of the sale of TVO, public hearings were held. We had consultations throughout the province. We have not had a similar type of consultation with this question. If the minister stands up and says, "We will have public hearings," I will applaud him. It's important to have public hearings. I understand you had a 1-800 number and you've advertised and you've had people send in, by way of mail or otherwise, to communicate with the government to tell you about their intentions, but we don't know what they said. The public doesn't know. That information hasn't been shared with the public.

But to the extent that we're trying in this province to create a model for private-public sector partnership, you would want to do that. You would want to make sure that this works properly, that there is in place a framework that everyone agrees with that ultimately will have a greater success. It's important that we understand that. To date we have not heard the minister or anyone in the cabinet make a commitment to public hearings that would serve that purpose. After all, the highway is an important asset. Whether it is in the hands of the private sector or not, it's a major thoroughfare.

#### 1620

I want to just tie into what I'm saying about valuation. The fact is, this is a major thoroughfare. The route that the 407 follows, the public lands, yes, the lands underneath the highway are still in the public domain. The province, the crown, would still hold title to those lands but for a period of time. If this sale is made, is it made in perpetuity? In theory then, this highway would be sold for a sum that would include a period of time in perpetuity. How do you value something like that? Is there something we could look to as an example for this type of sale? Keep in



mind that this is a sale that's taking place after a highway is built wherein there is new technology, wherein a great deal of risk has been taken on by the public to build this thing, to make it work. Those are concerns that I have around valuation.

I have concerns with respect to how this highway will be operated. What will be the tolling for the highway? What fees will be charged after this highway is sold to the private sector? Presumably the private sector will go out and get financing. Their financing costs will be higher because they're not able to borrow at more favourable rates, which the government is. Those costs will have to be passed on to the ultimate users of the highway. So, raising questions around tolls: Will they go up? Already the fact is that people are complaining that tolls are too high. We're getting, what, 100,000 vehicles a day using the highway?

*Interjection.*

**Mr Cordiano:** You're not at 300,000 yet.

**Hon Mr Sampson:** Yes, we are.

**Mr Cordiano:** That's news to me. I was told was that you're at one third of the capacity. If it's higher than that, then those are details I don't have.

**Hon Al Palladini (Minister of Economic Development, Trade and Tourism):** We're consistently averaging about 300,000 cars a day.

**Mr Cordiano:** That's a new level, then, for the volume. What is the capacity of the highway? If tolls are being increased to offset the additional financing costs, then obviously the public is quite concerned. More people would like to use the 407, as I've discovered in my discussions with people, more trucking companies would like to use the highway, but they're finding it too expensive to use. Most people are deterred from using it as a result of those high costs.

**Mr Tilson:** Do you oppose the toll?

**Mr Cordiano:** No. The member asks, are we opposed to tolling? No. If you work it properly and ensure that the financing costs will not overburden whatever entity takes over, forcing them to increase toll fees, you're going to have a situation where more people will use the highway. As volume increases on the highway, ultimately you're going to get a better revenue stream for the entity that runs this highway.

Again, is it the case? My concern is that the minister really doesn't have anything in this bill which would allow him to set those tolls, to have a say in how they're set. I'm assuming that might come with the conditions of sale. I'm looking for that in the future because the public would be deeply concerned about increasing tolls.

That begs the question: Is this really in the interests of Ontario's economy? If we're presuming that this highway is to be used at ever-increasing rates of volume and that does not come to pass, then we have a highway that's underutilized. We can't afford in our expanding economic base, particularly in the GTA, with the high demands of the GTA for trucks using highways — it is the engine of our economic growth — a highway that's underutilized, because it's too expensive to use. That also curtails our

economic growth over a period of time. You can begin to see how that would affect us economically.

I think part of the reasoning behind building a toll highway was to expand at a much quicker rate the capacity for highways in Ontario. We wouldn't have been able to build this highway without the private sector being involved. That myth was finally uncovered by the fact that this government went out, financed the highway with public funds and then allowed the private sector to run it. The ideal model is to have the private sector finance it, build it, take the risks and then ultimately run it by tolling it. The bill says that, but we're not guaranteed that tolls will be at a reasonable level.

We're also at this point not guaranteed that the public is going to get good value for its money because we have taken the initial risks. Everyone in this Legislature who has ever started a business knows that start-up costs in any business are far higher and the risks associated with a start-up are much greater than after the fact. So I would like to see a valuation in this sale that would include that. If you have an asset sale, is there going to be provision for goodwill in the sale price: If this is going to be strictly a business deal, will there be consideration for goodwill? How do you assess that? How do you value that? That isn't detailed in Bill 70 and it's not even in general terms put forward. That is going to be done behind closed doors. That concerns me and that should concern you.

At some point I think you would want to have public hearings to hear from a variety of experts and for the public to be certain that you are taking into consideration these matters so that you're not going to end up with some fire sale here that would see the private sector operate what amounts to — if volume has increased, as the former Minister of Transportation indicated to me earlier, if volume is now much higher than it was initially, then you know we have a real asset that is producing enough revenue to carry itself, and since the financing was in place, is it a good time to sell this? If it is, then you want to make sure the terms of sale include that realization of the higher volume. These are all things that you should be considering in the terms of sale.

What happens in terms of management of the highway? What happens when and if the prospective owner decides to resell the highway? What will occur at that point? There's nothing in the bill that talks about that. There's no provision in the bill for that. Does the government even care what happens at some point in the future if there is another entity that comes forward and wants to buy the 407? Presumably the government is saying on this, because of its silence, "Well, if there's a resale in the future, that would be a private sector deal" — but it still involves a public sector interest. So there is a question around that because ultimately it goes back to the question of tolls. The minister has no control over tolling and what those fees will be for tolling. I didn't arrive at any conclusion. I didn't see anything in the bill that referred to that.

1630

As well, I noticed that dealing with policing, there's a section that alludes to the cost of policing, section 50 of the bill.

Subsection 50(3) reads: "The Ontario Provincial Police may, with the approval of the Solicitor General, charge the owner for the provision of services under paragraph 3... of the Police Services Act."

The word is "may"; the emphasis is on "may." It doesn't guarantee that in fact this will occur. One of the things I would raise with the government is that they are now forcing municipalities across this province to pay for OPP services. They're forcing those municipalities that don't have policing, that relied on OPP policing, to pay for policing if they want the OPP to do it, and yet in this bill there's great latitude because the word is "may." It does not require the new owners to pay for policing; it simply says "may." So that is an unanswered question and I would like to know if the government intends to require the new owners of the 407 to pay for policing services. After all, if municipalities have to pay for it, why shouldn't the private sector entity pay for it? I think that would only amount to a sense of fairness about what this government is conducting.

I don't think any member across the way would want to be unfair and I know that some of the members who are sitting in this House today have that very situation where municipalities in rural parts of Ontario are being forced to pay for OPP services. I would think that would be important to them.

Again it comes down to the question of what this government is doing with transportation in general. Ultimately, whether we support this move or not will depend on the conditions of the sale and on what's contained in those terms, whether this is a fire sale. I can tell you right now that I would be very opposed to it if there were not certain conditions met, as I've outlined. If you asked most Ontarians, they would probably give you the same answer: What kinds of conditions will this be sold under, what are the terms of the sale and what will happen, ultimately, to tolls? I think those are important considerations.

We want to make sure there is a process that would enable us to have public hearings, and there's no commitment made to that. There's no commitment made that there will be public hearings in terms of the kind of sale that we're going to have. There's no commitment made even for public hearings on Bill 70 to discuss whether this is a good idea. What is the government afraid of? Why don't they want to hear from Ontarians their views on this?

I know the government is fond of advertising 1-800 numbers and it says it has all the information it needs, but this Legislative Assembly does not have the benefit of that information. You're not sharing that with us. We'd like to have public hearings to determine what Ontarians think about this idea.

At the end of the day it will be a question around the conditions of the sale that will occur: what the price will be, how you value that. You haven't given us even a theoretical model of how you're going to make sure there's a

proper sale taking place and that there's value for money at the end of the day. Yes, you're taking that long-term debt off the books. The public will be relieved of this liability, but against that liability is a stream of revenue that's coming in. You shouldn't be so quick to suggest —

**Mr Tilson:** You want it both ways.

**Mr Cordiano:** No, you don't want it both ways. You've been in business before and I've been in business before, and I know there's a good deal when you have a stream of revenue coming in to pay down whatever liabilities you have. Why shouldn't the same thing apply to this kind of public-private sector dealing?

You want to make certain that you're not giving away the store, as you have been reluctant to do with the LCBO. I think that privatization hasn't occurred for a variety of reasons, not the least of which is that you'd be giving away almost a billion dollars worth of revenue that comes into the government coffers. That is something that I am certain you hesitate to do, apart from your other ideological considerations. I'm sure there's a battle that still rages in the caucus over that one, but ultimately it is a question around —

**Mr Tilson:** We don't fight. We don't fight over here.

**Mr Cordiano:** Well, you're keeping it subdued.

**Mr Pouliot:** Be careful: been there.

**Mr Cordiano:** Been there, yes. Every caucus has its battles, but we won't talk about that this afternoon. We'll move on to better subjects. I'm sure the public does not want us to debate that, but it would probably be a lot more interesting in some ways than some of the policies that you've been bringing forward as a government. Nonetheless, this is of the utmost importance to Ontarians because it is a huge public asset that we're talking about here and it is of vital importance to our economic growth in the future.

I alluded earlier to some questions around transportation. You know, 407 was built without any consideration — and I say this with a former Minister of Transportation sitting in this assembly — for public transportation along the corridor of the 407. There should have been some consideration.

**Hon Mr Sampson:** There was. There is.

**Mr Cordiano:** But there's no sign of public transportation. You're not talking about bringing that forward. I haven't heard anyone from the government talking about plans for rapid transit between the regions of the GTA. You haven't talked about that. You probably haven't even discussed it in your own caucus. I'm sure there might be something brewing in the bowels of some ministry somewhere.

**Hon Mr Sampson:** Brewing away.

**Mr Cordiano:** Brewing on a very low fire, I might add. But we have not seen any discussion of that. I think it's very important that we begin to discuss what that means for the regions around the GTA, because there is a desperate need for rapid transit, which we don't see. It's very difficult to go from Durham to York or to Mississauga without having to go through the city of Toronto. In fact, it's near impossible. You have to drive to get there.



Anyone using public transit would tell you that. You can't go from Durham, say, to Mississauga in any reasonable length of time. It would be a virtual impossibility.

If we're going to modernize, we have to give consideration to public transit, and I think one of the considerations around what you do with the sale of the 407 has to be what you do with public transportation. There's no discussion around that. Is there a corridor that remains for that? There are some lands there, but there has been no discussion of how — there's nothing in this bill that alludes to that. There's nothing in the bill that would have me believe you're even considering that. We need further consultation, further discussion, further debate.

In fact, you need some policies that would be brought forward. But, after all, you're Tories and that's not within your realm of thinking. God knows, we don't want to make the environment cleaner. It would be a shame. The fact of the matter is we have the third-worst record in North America for air quality in this province, right here in Ontario. It's not in the southern United States; it's not even in the old rust belt of the United States. It's right here in Ontario. We have a problem, so it's high time we started thinking about a public transportation policy. But then again, as I said, it's probably not in your realm of thinking to do that, so it will be left up to us to do that. I think the next election will determine that at some point.

I think the public would be greatly interested in what might happen around discussions with public transportation, making it more viable in the regions of Toronto. After all, we know that we have a real problem with air quality in and around the GTA, and for that matter, all of southern Ontario. There is an air quality problem. Many of the cities in southern Ontario this past summer, on the scale with respect to air quality, on many days were running the risk of poor quality of air.

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That is something that I think is uppermost in most Ontarians' minds today and is not being addressed by this government. The last thing they're thinking about is air quality and how we can effect changes to make sure our air is getting better and cleaner. Part of that solution has to be consideration for public transit. I say to the minister, if we're going to build additional highways, they should be built with the view to building public transit alongside those highways.

Now, getting back to the main point with respect to privatizing and the sale of this highway, again I say to the members opposite that we're not against this in principle. We're not against the privatization of the highway, and for that matter, I'm not against going out and working with the private sector on a number of fronts to build additional infrastructure. I think it's absolutely important.

**Hon Mr Sampson:** Liberal policy in motion.

**Mr Cordiano:** It's Liberal policy to work with the private sector. It's not a foreign thing to our party to want to work with the private sector, in partnership with the private sector — ensuring, however, that the public is secure in the knowledge that there is transparency, that there is

value for money, that the public is not getting hoodwinked in any deal with the private sector.

I say to the minister, I don't know who's going to be involved in these discussions, but it had better be transparent and there had better be a process in place that everyone agrees with, and you'd better have some public consultation before you go into these discussions. At the end of the day, you had better ensure that we are getting value for money for the taxpayer or I am certain you're going to hear from them come the next election.

**Mr Patten:** The first thing I want to say is that I completely agree with this bill and I'll be voting for it. Thank you very much. No, I'm just joking. I thought we might have a little sense of humour being exhibited here. It seems like a fairly quiet and solemn afternoon and I thought we might need to liven up things a little bit.

The thousands and thousands of people who watch us in this House know, of course, that the role of the opposition is to thoughtfully critique the legislation that is put forward. I believe we do that well — we try to do that well — and I shall try to do that this afternoon.

The first thing I'd like to do is thank the minister today for providing an opportunity for a briefing on the bill. I must tell you that one of your staff and some of the professionals from the ministry were very professional, very thoughtful and took us through that. That is a contrast, though, to some of your colleagues in cabinet whom I can recall bringing through on a Thursday afternoon, with notice of an hour, a major bill like Bill 99, which had to do with the whole revamping of WCB. I remember that well because I was the critic for labour at the time. So I especially appreciate that, and I hope, Minister, you can set a tone for that kind of sense of appreciation for the role of the opposition and the importance of this place. I appreciate that very much.

I would like to begin by saying that my colleague from Lawrence, Mr Cordiano, has some experience in business, lives not that far from the highway of which we speak and has many years of experience in this House on this issue, particularly the days in which the former NDP government began the privatization, in part, of this particular road. At that time I was not in government. I was happily working in eastern Ontario for the Children's Hospital of Eastern Ontario Foundation — and what great days those were, I must tell you. But I did miss the depth of debate on issues at that time, which I gather was substantial and vigorous and enthusiastic.

Some of the points my colleague has made around the valuing of the road I believe to be of import and therefore I imagine most people will want to know more detail. This is a framework, in a sense; it does not provide the detail of what the deal will be when we get down to it, and of course that will be the most important thing. The most important thing will be, what kind of deal did we get at the end of the day? By the nature of negotiations with companies, we know that can't be done in public and I certainly can appreciate that it will be done in private. But there are things that can be shared with the public: the criteria by which the RFPs are put out. That will be an

important aspect if that is shared. I believe that as much as can be shared, to that degree will the government of the day gain respect, certainly from the general public.

I also want to say that the initiative sets new precedents in terms of roadways. I think we would all agree, and the minister himself spent some time talking about the historical development of the 407. But there was a day when we thought that all roads should be done by government and that everything should be done by government. Of course there is a general feeling that that is no longer true. We have to think of creative solutions, solutions that will serve the public well. In a sense we have to re-evaluate the role of government. But regardless of what the role is, at the end of the arrangement we have to be convinced that this truly is in the public interest and will truly consider the services to people who use the road and to the general public at large.

I want to begin by going back to first principles in a way, with the establishment of the ministry of privatization. I'd like to quote from the Ontario Privatization Review Framework; this was in 1996.

"The Harris government appointed Ontario's first-ever minister of privatization...to identify where greater involvement by the private sector could help improve services and value to taxpayers, while enabling the provincial government to concentrate on core responsibilities such as health care, education and to encourage a climate for job creation."

I don't take issue with that statement, but I wonder how and when and if in reality that first principle of the creation of the ministry would indeed be followed through. At the end of the day, when a financial arrangement is made and the offsetting costs of putting to bed a mortgage which is the arrangement of the public financing would have to be settled, along with any arrangements on the purchasing — I'm presuming that will not be in one lump sum, that it will be over time. I'd like to see just how the government would manage to fulfill that particular statement of being able to apply any savings that would be made by government towards some of these other areas.

1650

I would challenge the minister. If he can do it, I will applaud him. I would think that would be a very difficult task. However, it is part of the sales pitch and it is part of the marketing of the initiative. Therefore, I would say that the government and the minister have a responsibility to explain how the reinvestment would be identified and be put into the areas of health care, education and job creation; or, as the government likes to say, if this is going to truly save taxpayers' money, another option of course is that the money is given back to taxpayers, but I doubt that will happen. Anyway, there is that area of opportunity for the government, and we would like to see if that can be done. We're talking now about roads, land, machinery, administration and asphalt. If that arrangement can help the other arrangements, then that will be something this government would be challenged to abide by.

Just last week, for example, on that one issue, and I won't dwell on it long, there were a number of people in

the same particular area — mainly in the Toronto area, the GTA, which has a major housing problem, probably the worst in all of Ontario — leaders from many sectors and I gather from a wide spectrum of the political arena, who said that we have to pay more attention to serving our people. Maslow's hierarchy of needs would certainly say that food, shelter and security are very important things. I would hope, with respect to those other core responsibilities, the government would show how indeed it was able to do that.

On the congestion issue, I touched on it previously and the minister mentioned it in his speech and the member for Durham East mentioned it in his speech. He talked about this being a solution. Of course, it can possibly be a solution, but there are a whole variety of questions to be asked. At the moment I am told that there are numerous trucks or people who do not take the 407, that they still use the 401, because of the costs. I will touch on that particular area shortly.

But there's one area I'd like to talk about, and that is the protection of individuals and their privacy with the privatization of this particular highway. I'm led to believe that the majority of users of the 407 do not use transponders, which identify the vehicle as a regular user so that those who have transponders pay a lower rate. This means that for all other vehicles using the toll road a licence plate photo is taken so the owner can be billed for the trip. Since the new buyer would get access to the tolls as part of the sale — when I say "the new buyer" I mean the company or consortium, whoever would purchase this — and the minister would give them the authority to collect and use personal information, I would ask how comfortable Ontarians and citizens of other provinces are going to be with a private sector buyer operating such cameras and having access to their Ministry of Transportation information database concerning vehicle ownership. What kinds of information on vehicle permits are we talking about?

I was briefed, and I believed the officials from the Ministry of Transportation when they said they would say to this particular business, and there would be some qualifications, that they should not be permitted to use this for any other purposes. However, I say this: I would agree with that, but as the minister and most of us would know, we're talking now about sharing information, that data, with other jurisdictions. We're talking about sharing it with most of the provinces — I gather it's not most of the provinces, but let's say half or six of the provinces, anyway; there's already some understanding on reciprocal arrangements — and also some of our neighbouring states to the south. While I'm not a cynical person, as a critic in this area I believe it is incumbent upon me to ask how we will honour the usage of information that goes to the United States, that may not have the same kind of allegiance to personal information privacy that we have here in Ontario. I place this forward.

We're talking about information we'd be collecting: the name, the address, the date of birth, the registrant identification numbers, licence plate renewals, replacements,



sex — I gather that's not sex, yes or no, but sex meaning gender — the transfer and data licensing change documents, the vehicle plate information etc. We need only be reminded of the privacy concerns around, for example, the red light camera, the debate with the megacity council, to know how concerned the public is about this information. That should be addressed by the minister when we get into further debate. We must ensure that the information disclosed to third parties is not disclosed to third parties for other purposes. I hope the government will address this.

We have further concerns, for example, about the fees associated with the operation of a toll highway. I would like to share this with the minister. I don't know if any of the officials have seen it. I brought this to the attention of the Minister of Transportation, Mr Clement. I hope this illustrates what I think is a challenge for how we deal with that. It has to do with people who don't have a transponder. They may come from other parts of Ontario, they may come from other provinces, they may come from the United States, they may be visitors from still further abroad, from Europe or Japan, and they may only be using this once.

I'd like to read part of what my constituent had to say. He said first of all, "Thank you for returning my call," because he called in concern. "Attached are the two pages that were sent to me by the administrators of the 407 ETR. You will appreciate it is not the cost of the use of the highway, the toll or even the GST that I object to, but the additional charges" — this gentleman lives in Ottawa — "for not having a transponder and the account fee on the bill. Why would anyone who is not living in the greater Toronto area want to install a transponder in their car? What is the cost, and who pays for these? Why should there be a separate account fee levied on drivers?"

"Surely the cost of administering the program has been factored into the basic fee for usage. If one uses the highway a second time, does one have to pay these additional costs a second, a third or a fourth time?"

I don't want to read the whole letter, but he asks, "Has anyone up there," meaning at Queen's Park, "considered the bad publicity that the province will get from levying such additional charges? Can you imagine the reactions of persons from other provinces of the country in such a money grab?"

1700

He also sent me a copy of his bill. His basic bill was \$5.62; his final charge was \$8.76. It just ticked this guy off. He said, "That doesn't seem to me to be fair." I offer that as something where we may be ticking off or making angry or putting our American visitors or tourists or our sisters and brothers from other provinces or even indeed from other parts of Ontario in a similar boat. I offer that to the minister. I would think that has to be a consideration.

I gather those charges are something of a disincentive for people to use the road once or twice, because there's a knowledge gap — and I think the minister will acknowledge that — or awareness of what this means. "If I pay those charges once, will I have to pay those a second time, a third time, or do I have to do it every time? Or can there

be an exemption for someone who is not a frequent user of this roadway because those who are get a discount and a benefit?" It seems to me those are important considerations in negotiations with any private concerns that may be taking over this particular operation.

I also want to comment on the creation of the jobs you mentioned. As you can appreciate, my job is to look in a critical manner at what that means, what do those 6,000 jobs mean? When you throw out the figure of 6,000 jobs, some might think this is 6,000 jobs forever. I'd like to ask, particularly in light of having received information from the construction industry that the average job they have in the industry is about 13 months, how many of these are part-time jobs, how many of these are temporary jobs, how many of these are permanent jobs? As we all know, most jobs have spinoffs. What is the estimate of the nature of spinoffs of this particular area? I would ask if that could be addressed.

The minister, and also his colleagues on the government side who spoke to this, talked about there being no cost to the taxpayer. I would like to challenge that. While there wouldn't be perhaps an element and a percentage of taxpayers' costs, there have to be additional costs related to this particular operation. There are many administrative costs that are performed related to this particular venture that will take up time and expertise and negotiations that have to be considered. In other words, it's not just that we're going to make this arrangement and all of a sudden the government has no role. I'm sure you'll agree that the government has an ongoing role. They have a role in set-up, they have a role in negotiations, they have an ongoing role in monitoring what is happening. I was led to believe today that the same standards that apply to any 400 highway throughout the jurisdiction of Ontario would likewise apply to this road as if it were in that category.

For the infrastructure to be maintained, for example, would lead to a proposal for a dispute resolution process. Even though the disputer — and I hope it's not some little guy who doesn't have much money — will pay the cost of any mediation, including the owner's fees to commence or appeal any dispute proceedings, there will be a dispute arbitrator, which may be one person, maybe two, or it may be a commission. Who knows? That will be made by cabinet, as recommended by the Ministry of Transportation or the minister for privatization — probably by the Ministry of Transportation. That would go to Management Board and then to cabinet for decision-making. These things are costs. The inspections and the enforcements that still have to be made are costs that the government would still retain. If we consider that it takes about \$100,000 to put a car and a police officer on the road, then we know there are considerable costs for the Solicitor General in the patrol aspect of this piece of real estate called the 407 and its expansions, and some of those costs will grow.

While you may say this might reduce some of the costs, and I'd be prepared to accept that as a prominent thesis, I would certainly say that it would not be accurate to say that there are no additional costs because I believe in the

administration of a lot of these things there shall be, and sometimes they're not insignificant.

We talked about the process of the sale, and my colleague from Lawrence mentioned this. The legislation doesn't really address this, but a fair and open competitive transaction, where the act enables the minister to enter into an agreement for the sale, is subject to cabinet approval, which means, as I mentioned earlier, that there is a kind of behind-closed-doors negotiations on this.

I'd like to know whether the information to date is able to be shared or whether you would share that, and is there a reserve bid at this particular stage? Who is lining up the bid on this? Is this another consortium? Certainly the public will be interested in that. Then, of course, what is the value of the particular project? Is it \$1.6 billion? Is it \$1.8 billion? Is it a dollar?

I was interested to hear from the officials today that on this project, and this is a concept that's of interest, the government is not selling the ground under the highway. They're just selling the highway. OK, I can buy that, but what I can't realistically accept is, how long will it take? Another 50 years, 60 years? Realistically, that land is gone from other uses, from the greenbelt, from the parkway that is being utilized.

I suppose it's a way to suggest that the government at the end of the day really does have overall authority, that if things do not go well, if for some reason the company goes bankrupt, if for some reason the estimated revenues are not there, if for some reason the private arrangement falls apart, it will fall back in the lap of government. Therefore, it is incumbent upon me to ask, because I know the public would be interested in this, what are the checks and balances? What are the assurances that if something fails, all of a sudden a major cost wouldn't recur as a result of having to absorb massive borrowing that may have taken place on this project? The government may have answers for that and I hope it does, but that's not in the bill, and I believe that surrounding this discussion is a major concern on this.

If the suggestion from the minister is true, then I hope he would take up the suggestion and refer this bill to committee and, hopefully, have some hearings. Minister, we have hearings on the registration of lobbyists, which is supported by all parties, by the way. It's not a major contentious bill. I understand it's going out to hearings. I wonder why a bill like that would go out to hearings and not a bill like this or a bill that has to do with the restructuring of apprenticeship, which has massive ramifications for the training of not only young people, but the retooling of skills in our labour market and something that is very substantive and the government has many partners in that particular field.

Why that bill or this particular bill wouldn't have merit before the one that is going out to hearings, I can only speculate. I guess some people feel this might be a little more contentious, although I don't think it would be. I think it would be of more interest and has serious ramifications, certainly in this particular area. The implications would affect all Ontarians, because at the end of the day,

the minister will know, we will be talking about resources in the billions of dollars. When we look at a project that has the significance and implications of that volume of resources, then it seems to me the people of Ontario would welcome very much the opportunity to react, to ask questions, to place forward their particular views.

On that note, I will cease my comments, except to say that I look forward to the debate as it continues and also at committee and hopefully for hearings.

1710

**The Deputy Speaker (Mr Bert Johnson):** Questions and comments?

**Mr Pouliot:** I heard distinctly, and Hansard could perhaps attest to the following, my friends and colleagues mentioning that the Liberal Party of Ontario is not philosophically opposed to privatization. I would wish to come here one day and listen to my friends in the official opposition take a position, a definite position. We're talking about Highway 407, and there again, they're caught in the middle of the highway and they risk being run over by the Conservatives and the NDP. Please make a decision.

I say to the government, because you've announced with great fanfare that you are open for business, I never thought that open for business means that you would sell, perhaps to friends — I mean friends of your philosophy — a piece of highway. But there again —

**Mr Bud Wildman (Algoma):** A fire sale.

**Mr Pouliot:** A fire sale, indeed. My House leader reminds me it is a fire sale. There are no terms of reference, there are no contingencies. What are the rules of this exercise? Oh, to be determined in the future.

We know that the minister is under a great deal of pressure. He has to privatize something otherwise he will lose his job and his distinguished and talented staff will go the way of the minister. We don't want this to happen. So he decides to unload a piece of concrete, because, you see, the highway doesn't talk back. It doesn't take a position. So the grey eminence, the whiz kids collectively dim the lights and they concoct the selling of a highway, and the minister in tow says, "I shall be the spokesperson. I'll have the pleasure to address the issue, to revisit this ill-fated decision."

**Mr Jack Carroll (Chatham-Kent):** It's always interesting to follow the member for Lake Nipigon. Actually he stole a little bit of my comment because I listened to the Liberals trying to put their traditional, "The sky is falling, the sky is falling" spin on this and they were really struggling. Like the member for Lake Nipigon, as I listened to the Liberals, I couldn't quite figure out whether they are or they aren't or where they fit on this. You know what I've discovered? Liberal position is an oxymoron. You just cannot decide where they are.

The member for Lawrence went into a great dissertation about the whole concept of tolls and concern that the tolls would rise too high and how would the taxpayers be able to pay the tolls. He mentioned some comment too. He also said he's been in business before. I don't know what kind of business he was in, but in business there's a thing such as supply and demand. If the tolls get too high, guess



what happens? People don't use the road. If the tolls are lower, more people use the road. It's kind of a basic tenet of business that if you lower the price, usually you will sell more; if you raise the price, you will sell less. It's a pretty simple business proposition that I'm surprised escaped the member for Lawrence, especially having said he was in fact in business.

The member from Ottawa was looking for the bad. He said, "The 6,000 jobs, boy, I don't know when that's going to happen." No cost to the taxpayer, he didn't know when that was going to happen.

I'm going to read a quote from Hansard: "Similarly, on Highway 407, I like the idea of the private sector raising the capital. There's nothing like the discipline of having to raise the funds and figure out how you're going to service that debt...." Who said that? The member for Scarborough-Agincourt, Mr Phillips.

**The Deputy Speaker:** The member's time has expired.

**Mr Bradley:** Let me raise some concerns, because the member wants me, I know, to raise some concerns about this legislation and to deal with, for instance, the costs at present on Highway 407. I've had many people, as has the member for Ottawa Centre, who have contacted me to say that they're appalled by some of the costs that are incurred using Highway 407.

My concern would be that if you turn this over to the private sector, then there would be not much incentive left for the Ontario government to provide, first and foremost, public transportation alternatives to this particular highway or to improve the highway which is available to the common folk, those of us who take the highways that are there for the whole population as opposed to those who take the highways which are very expensive.

I express that concern. I would look for an assurance from the minister. He can't give it, I know, because all of the decisions are made in the Premier's office, just as the decision to flow money to the hospitals for emergency purposes, those decisions, are made in the Premier's office and he can blame the Minister of Health, just as he might blame the minister for privatization if this doesn't work out.

He can blame everybody else, but ultimately we know in this government that it's Guy Giorno and the gang of whiz kids, some of whom sit on the other side in the important chairs along there or monitor this on television, who really call the shots. That's who the Premier listens to. I'm wondering whether they're going to assure us that there's going to be a public alternative to this, that is, public transportation, or as I say, other highway construction which is done for the entire public and not just for those who have the money to use toll roads in Ontario. Good speech.

**Ms Martel:** I listened to the comments that were made by my two colleagues from the Liberal Party and I came away with the same impression as did my colleague from Lake Nipigon, which is I'm still not sure if they are in favour or opposed to what's going to happen here.

The buzzword of the day must be that they are not philosophically opposed, because we heard that mentioned by the members, and I see in this article in the Toronto Star dated October 20 that "Liberal MPP Gerry Phillips...said yesterday he has no 'philosophical' objections to selling off the highway." I guess this is kind of the buzzword we're going to get from the Liberals as this debate goes on and sooner or later I'm assuming we will get a concrete position when we have to vote on this.

But, look, if they were opposed, they would use and make the same kinds of remarks about concerns about privatization as we're going to. We have a minister who hasn't got a great track record around privatization yet. That must be bothering him a great deal. It is true that he managed to privatize —

*Interjection.*

**Ms Martel:** Or tax. It's true that a couple of weeks ago he managed to privatize three tree nurseries in north-western Ontario, but when he tried to privatize TVO and tried to privatize Polkaroo, the public said, "No, thank you very much, we want none of that," and he was forced to back away. So here we are with a minister who doesn't have a great track record on privatization, which was a big part of the Tory agenda and part of their campaign, and he's looking for the big one now. I guess the privatization of 407 is what it's going to be to save his hide, save his limo and save his office and staff and everything else. I just say to him, we've got no idea of the conditions of sale, no idea of the terms of reference. I don't know why you're in such a big hurry. There are millions and millions of dollars at stake.

1720

**The Deputy Speaker:** The member for Lawrence has two minutes to respond.

**Mr Cordiano:** Now I've heard everything. Here's the NDP, which went out and funded for the private sector the operation of a highway so they could charge tolls to the people of Ontario. That same party that used to be for the underdog went out and said, "We're going to build a highway that only the rich can use." Now you've got a new leader who is saying, "Well, no, that's ancient history," when it's only the previous government before this one.

In the Tories we now have a government that wants to go out and have a fire sale of a great public asset. Just at a time when the highway is starting to produce greater revenues, you want to give it away to the private sector. Of course, the public took all the risks in building this thing under the previous government. It's financed by the public sector, don't forget, and the private sector was operating it and collecting the tolls, and then they talk about the Liberal Party.

We are good business people on this side. We follow good business practices. We want to see the terms of the sale. We want to see the conditions. All we're asking for is to see those terms and conditions. How is this thing going to be sold? If you're not going to get a good deal, we on this side say no, we're not going to go for that. We want to see the terms of that sale before we're selling

anything. But no, this government wants to give it away, is not telling us what those conditions are going to be, is not telling us whether it's a good deal, and isn't even going to let the public in on it, because they're not going to have any public hearings.

At the end of the day, we on this side reserve judgment for that reason. If it's a good deal, we'll go for it. If it's a lousy deal, we'll tell you to go back to the drawing board and forget about selling something at a fire sale.

**The Deputy Speaker:** Further debate?

**Mr Pouliot:** Before I get into Bill 70, you will allow me to suggest, with the greatest respect to the government, and we're happy the minister is here, that there is some anxiety. Some people on your staff have asked questions as to tactics, strategies. Will we use every available means at our disposal to perhaps stall this endeavour? People were quite nervous, as if it were a major endeavour of the government.

We know, as we exercise our duties, while we contemplate our options, that it would be much more preferable, if you're sitting with the government, to have this unloading, this fire sale of a highway, prior to the lobbyists bill coming through, because when the lobbyists have to be recognized, have to be accountable through a registry, it means that it's a new dawn, you open the lights again.

But if you have ulterior motives and if you take advantage of acquaintances, business circles, people whom you know at the club and you ask, "Do you want to buy a highway?" then under the proposed legislation it will be more difficult. But I can assure you, they shall find a way. It's like political donations with this party, it goes through the linoleum. No matter how far you legislate, it blends with the furniture. They excel at it. In fact, they wrote the book. Their virtue, their zeal is unsurpassed, and well catalogued, I can assure you.

One could say it was on a day perhaps like today, a sessional day, a day when cabinet met in 1993.

**Mr O'Toole:** They were dark days.

**Mr Pouliot:** Dark days indeed. The province was experiencing the most severe recession since the Depression. It was not only the province of Ontario; it was all of Canada except for British Columbia, if you recall. They seemed at that time to be recession-proof. The United States of America, our trading partner, this giant friend and neighbour, was also experiencing a recession, and we took the brunt of it.

We had to decide, and for us, I must admit, for the New Democratic Party of Ontario, it was uncharted waters. We had never been there before. We took the bold initiative because it meant 20,000 jobs. We were talking about building a highway which represented the largest engineering contribution ever undertaken in Ontario: a billion dollars, a lot of money; 20,000 men and women bringing home a paycheck and building infrastructure, investing.

We couldn't do it ourselves — times were difficult, times were rough — so we took the initiative. We invited a friend, a partner that was to design, build and manage what is now the 407, and it proved to be a success story. At first we had thought that under ideal conditions that

friend and partner could assume the financing, but it was not to be, because the government had better access to capital. In fact, it could borrow at half to three quarters of a per cent less, 50 to 75 basis points less than the private sector.

We thought, "If it is so, we will form a corporation," because under the statute you couldn't do it. It's not that simple around here, Speaker, as you well know. So we founded, we created a facilitator, a capital corporation with the broad shoulders, the guarantees of the government, to get the money, to regulate the flow of money. That way, the tolls would be reasonable. They would not be excessive, they would not be a deterrent, a reason for people to use the 401, which parallels the 407, which is the alternative, and it worked quite well.

Under the present arrangement, when the money that was needed for the construction of the 407 is paid back, when the corporation takes the money from the tolls and pays back the bank, then the motorists will not have to pay any more tolls, and the province, within a period of 30 years — 27 years at present and decreasing — will still have the structure in place. Ontarians will still have their highway. We'll still be able to monitor standards, but in a more efficient way because we don't have intermediaries. It is your own thing. Should you wish to expand when the need arises and you recognize that need, you won't have to be concerned about expropriation, because the government expropriates. The Ministry of Transportation of the province of Ontario does the expropriations required to build or to continue an infrastructure project. I'm not aware of the jurisdictional capacity of the private sector to expropriate in order to build. It doesn't quite work that way.

1730

The government goes one step further. It proposes under Bill 70 to privatize Highway 407, in other words, to sell it to the private sector. We cannot, as new Democrats, intellectually, morally move this quickly. We did recognize the need to build infrastructure in partnership. For us it was a bold move to go from a totally state-financed, -operated and -run highway to a partnership. We've gone some ways. We thought in 1993 that our endeavour was imaginative and creative and afforded us an opportunity to put 20,000 Ontarians to work. We have no regret. It worked well. The process was somewhat cumbersome, but the results were great. The whole exercise was supervised by Price Waterhouse. It's like Deloitte and Touche, Ernst and Young KPMG. They set forth very strict criteria — full adherence. You had to jump through every loop, adhere to every line. It was clean. It was honest. Its integrity could never and has never been questioned.

More than \$1 billion was at stake. So two consortiums were formed representing 80% of the major companies. We were on the one side, on the other, and you put your best foot forward. Contracts, proposals, were meticulously screened and scrutinized, every line. Contingencies attached to what were to be contractual arrangements were given equal scrutiny. The winner was Canadian Highways International Corp. What they did with our



project was promote it. They used the success story of Highway 407, the New Democratic Party 1993, and promoted it all over the world. The rewards have been multiplying ever since for the members of the consortium. We're very proud of having given the opportunity to the private sector and, yes, having saved the taxpayers of Ontario some money in the process to have done this.

Because it is part of their mantra, the government truly believes that the more privatization you have, the better off we all are. If you're talking about schools — words seldom heard in this assembly: charter school. That's very close to privatization, is it not? Vouchers: so much money per head. That's our children.

What will happen to hospitals? You look perhaps wealthy; you're a man of some means, Speaker, and maybe you can go to Rochester because you have the power of the purse to do so. But under this mantra, under privatization, under this ideology, most of the people will find themselves a lot poorer, a lot more anxious, with not as many opportunities to be like the others, and you will have polarization and a winner-take-all style and *modus operandi*. You will have begun to dislocate the people who pay for most of this, which is the middle class.

We are opposed to the privatization of Highway 407 very simply because they don't give us the terms of reference, the rules of the game. If it's for sale, who is invited to bid? Do you know, sir? Is it some ABC firm from Alabama that knows a friend of a friend and puts in the bid? I don't know. I'm not imputing motives; it's not my style. At what cost? Will they give it away? Is it a fire sale? Do I hear \$1, do I hear \$2 for a billion-dollar project? I don't know. What are the terms of reference?

As a citizen, as the representative of the largest riding in this province, the great riding of Lake Nipigon, there they don't get the opportunity, under your open for business-for sale sign, to sell highways. No, they just download the rural roads. Whether you like it or not, you are now the proud owner of a piece of road, but we don't have in our small municipalities and villages and unorganized territories the means to fix them. Don't even dream of the soft shoulders. We cannot even address the section between the soft shoulders. It's very difficult. But then the government gives us a gift that we wish we had never received.

In southern Ontario they're about to go to an auction. They have a review. I want to share this, Speaker, because I need your help. You're the person in this House, Mr Speaker, who has the ultimate authority. I've tried to talk with the minister, a fine gentleman, trying to do a good job, but I don't have the appropriate answer. I'm asking you, Monsieur le Président, not only to help me as a member, not only to help our party and/or both parties of the opposition, but to help the citizens of Ontario.

This administration has used the taxpayers' money for a study. They've asked a group of people to have a privatization study, how to privatize, how to sell off assets that Ontario presently owns. They have that study. We paid for it. They will not share the study. Can you comprehend that, Monsieur le Président? I have some

difficulty and that's why I'm asking for your help, sir. I've been watching you carefully and I know you to be a person of integrity, a sage, a person of renowned wisdom. I place, as a last resort, I must admit, all confidence in you and your office. Will you please help me get the study, because they refuse. I don't know why it is so secret. Why would we the taxpayers pay for a document, the document will be produced, but we the payees don't get it? I guess with those people we're supposed to say little, but for sure we pay and pay and pay. I think we are entitled to the study.

I'm happy that the minister is here. Maybe when he goes away from Queen's Park today in the comfort and privacy of the back seat of his limousine, because he is a minister of the crown, he will think about the request that the New Democratic Party has made and he will see the logic and the legitimacy and then come back and produce, for the record, the privatization study.

What is being proposed with the sale of Highway 407? I suppose that the terms of reference with the criteria will set out the process. People would be invited to bid, the government would impose a reserve, it would have its own set of criteria. The exercise would be supervised by a third party to ensure its integrity and to facilitate the flow of negotiations. All this I trust will be done and will be done in earnest and will be done above-board. I have no quarrel, I have full confidence that this process will be followed.

Part of the condition would be to encourage the continuation of Highway 407 because it's a good but yet unfinished project. The successful bidder, the people who bought the highway, has it on their books at \$1.8 billion. This is an asset that all Ontarians have paid for. It's an investment. One could say, in this context, that it's a work of art, transportation triumph. It's \$1.8 billion, so they would sell it, presumably, to the successful bidder at least for what it's worth. Then the bidder would be engaged, would be obligated, to go to the marketplace and to borrow, let's say, another \$1 billion to continue the highway. That would be part of the deal. In return, those entrepreneurs would be able to charge tolls. So the government would not have to guarantee, and the government would not have to borrow the money.

1740

The minister and others will tell me that they will promote the highway so there will be more users; and if there are more users, then the tolls would be lower — economy of scale. But it's if this, if that and if that.

Let me tell you what happens in the true world — and the minister knows that; he's a former financier. What happens when the private sector goes to borrow? This is what happened when they did on Tuesday, October 20, 1998. I've asked for information, and people have said, "Gilles, try to get a copy of the Report on Business." So I wrote it down, Report on Business, and I asked people who are in the know, "Give me a copy of the Report on Business." But they didn't tell me it was the Globe and Mail. So I wrote that down again, and finally I got the

copy of the Report on Business of the Globe and Mail, Tuesday, October 20, 1998.

I'm under the money markets, Canadian bonds. I have Canadian, provincial and corporate bonds. We'll start with the ultimate, the sovereign here. I have an issue. The coupon is 9%, June 1/25. The premium is 152.05. The exchange rate at this point is immaterial. The yield is 5.32. This is full-fledged Canada: 5.32%.

Approximately the same month — the same year for sure — Union Gas, a major corporation, 8.65 coupon, November 10/25, 127.67 bid, 6.47% yield. So that's 5.32 to 6.47 — 115 basis points.

In other words, for the buyers, ABC firm from Alabama, the friends of the friends who have just bought our highway — but now they want the tolls to be in perpetuity, forever, even when the highway is paid for. So now they go and borrow \$1 billion to extend the highway. They're paying 115 basis points higher. It doesn't matter to them as much. The government says: "Well, yes, but there will be more cars. You build it, people will come," etc. Maybe they'll have 12-year-olds driving cars now. I don't know.

**Ms Martel:** Yes, with guns.

**Mr Pouliot:** With guns. I can just see that dreadful scenario. Now if you're 12 years of age, you can have a firearm. You can go hunting. You can have a shotgun. Picture this, Speaker: a half-ton truck, a 12-year-old with a shotgun on the back of the truck, and they would wish to go 140 kilometres on the 407. This is the ultimate. Where will it stop?

So the higher the cost, the more it costs. It's very easy. I know you've been following, with high respect, very carefully, Speaker. They will pass the cost along to the motorist, so they're going to pay more because the cost of borrowing is more. It's very simple.

Why would the government wish to privatize? Why don't they put the brakes on and realize that sometimes it's better to do nothing? What is wrong with the success story of the 407? Nothing is wrong. It doesn't demand, it doesn't beg for a change, unless you create circumstances, you build a world around which you must sell. But now you're salivating, Minister. Your appetite has become insatiable. What are we going to do with you? You must sell at all costs. Tell me. I'm a good listener and I promise not to tell anyone: What is it that's forcing you? Is it your job in cabinet? Are you not in the good graces of M. Harris? Is it your turn this week, Minister? Is it something you said or something that you did not say? Were you consistent in your policies or did you enter into a turf war with another minister who's about to ditch you because he has more power? Is it like that?

You don't have to privatize the 407. This is a bad example, a bad reflection of your ideology, of your mantra. I disagree with it. We are different. You're thankful for it —

**Hon Mr Sampson:** Thank God.

**Mr Pouliot:** — and I'm thankful for it as well. So you see, at least there is reciprocity. But I give you credit: You sincerely believe in your ideology. I can deal with that. It

doesn't mean that I have to agree. You are consistent. It's easy to see where you are going. On our side we are just as determined as you are. We are perhaps looking for the same port but taking a different route. We are different in ideology.

Monsieur le Président, one must be a good Samaritan and not talk badly about others who have the opportunity to occupy this House. There are three parties in this House, and I say thank heaven. They call it equilibrium, balance, that we have the Liberals.

**Hon Mr Sampson:** The what?

**Mr Pouliot:** The Liberal Party of Ontario. Again I repeat on this issue as with every other issue: They're right in that centre lane. They're in the middle lane of Highway 407. They're not going very quickly. They're very careful. Tomorrow morning they might be in the left lane and, come Friday, maybe they will chance the right lane. But you can be certain, Speaker, that they will know Highway 407 very well because they will have travelled all over the place on Highway 407.

The deputy leader, "Liberal MPP" — a friend and a colleague and he won't mind me saying this because he knows that we're talking in confidence here — "Gerry Phillips, Scarborough-Agincourt, said yesterday that he has no 'philosophical' objection to selling off the highway." If I were to go home and talk this way, I would be asked to solicit the services of the best possible advocates.

What is it they're saying? First of all they talk about philosophy. It's not becoming to the Liberal Party: "You love me; you love me not. Ask me again. I haven't quite made up my mind. I don't want to see this movie. I don't know if we'll go to the cinema again." Guys, with respect, it's time to take action, to make a decision, to be consistent. As much as I disagree with the Conservatives, I would like to agree or disagree with my friends, but it's a matter of *comme ci, comme ça*. It's quite difficult to know where they're going.

I've searched long and hard. This has happened sort of suddenly. I appreciate that some of your staff have offered a briefing to the members of the opposition and I would like to take you up, with respect, on this offer because I would need to know more because many questions that we have asked have not been answered. This is uncharted water, but what we know is that you need the fix; you need to sell something quickly. We can see the perspiration. You've asked us to be kind and generous and to do all this together like one big, happy family. It's most unfortunate, but I wasn't born yesterday.

The last time and the time before, and yes, the time where I closed my eyes once again and I've done it so often with you people, I was let down. If it hadn't been for my friends in the New Democratic Party, it would have been a very lonely feeling. Every time I trust my friends opposite, I say, "This time it will be different." I can't win. I've got to listen to this and then I call my broker and I say, "What's happening?" He says, "This time it's different." I need to trust someone. Minister —

**Mr Douglas B. Ford (Etobicoke-Humber):** Buy stock in the highway.



**Mr Pouliot:** Don't worry, Mr Ford. I thank you very kindly.

We need more than a bill which has been hastily drafted. I don't know if the Premier is stepping down and there will be a leadership convention among them soon and they're promoting every cabinet minister and today they said, "Mr Sampson, it is your turn," but show us your product.

Highway 407: Where did you dream that? You must go through good Scotch. Come on, what is it? Is it your diet, Minister? Can we help? We're not always kind to one another around here but we are here to help. Be careful; but a piece of premium concrete that needs expansion, and you have the system in place. We took all the risks, and now that the success is done, you found someone else. How convenient. So we no longer exist.

You go to your friends in Alabama, Billy Joe ABC Co, and right after watching your favourite sport, that of stock car racing, they tell you, "Mr Minister, you make a deal now and you get a big piece of the pie."

The minister goes for it, falls for it, sells the highway, and what are we left with? Who is going to monitor the standards? Will the province still do it? We want to know that. What about safety? What about speed limits? What about the things we do now? Will it be left to ABC Co from Alabama to do that because we have sold our highway to the United States? Why not throw in a couple of bridges to seal the deal? This is our highway.

It being 6 of the clock, I move adjournment of the debate, Mr Speaker.

**The Deputy Speaker:** It being nearly 6, this House stands adjourned until 10 am tomorrow.

*The House adjourned at 1754.*

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of Ontario**

Second Session, 36<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 36<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Thursday 22 October 1998**

**Jeudi 22 octobre 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Greffier**  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 22 October 1998

*The House met at 1000.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### MUNICIPAL RESTRUCTURING

**Mr David Christopherson (Hamilton Centre):** I move that, in the opinion of this House, the Harris government be urged to acknowledge the downloading of services and expenditures to Hamilton and Hamilton-Wentworth is not revenue-neutral and has in fact created an unacceptable crisis in local property tax increases; and

That, in the opinion of this House, the Harris government be urged to acknowledge that:

Mike Harris and the Conservative Party of Ontario promised the citizens of Ontario fair and equitable taxation in the Common Sense Revolution, and property tax is an unfair and regressive form of taxation.

Mike Harris promised — in bold letters — on page 5 of the Common Sense Revolution, "We will work closely with municipalities to ensure that any actions we take will not result in increases to local property taxes."

Mike Harris also promised that the province's exchange of services and expenditures would be revenue-neutral.

The Harris downloading has shortchanged the citizens of Hamilton and Hamilton-Wentworth by \$36.3 million per year, forcing dramatic property tax increases.

The Harris government's own figures confirm this \$36.3-million shortfall.

The eight-year phase-in of the Harris government's business education tax has discriminated against Hamilton and Hamilton-Wentworth by putting an additional \$17-million burden on to local taxpayers.

The province reneged on its original commitment to a three-year small business rebate program, and will now only fund the program for one year.

Many of our citizens may lose their homes, businesses and jobs as a result of the drastic property tax increases foisted on local taxpayers by the Mike Harris government.

Any further downturn in the economy could potentially bankrupt the municipalities who must now bear the brunt of increased social service costs and responsibilities.

City and regional councillors are being unfairly blamed and forced to explain these huge Harris tax hikes; and

That, in the opinion of this House, the Harris government be urged to immediately pay back to Hamilton

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 22 octobre 1998

and Hamilton-Wentworth the \$36.3 million they have shortchanged our community; and

That, in the opinion of this House, the Harris government be urged to eliminate the \$17-million cost of their business education tax by revoking the eight-year phase-in period and moving immediately to the provincial average, as well as reinstating their original three-year commitment to the small business rebate program.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the member has 10 minutes for his presentation.

**Mr Christopherson:** The first thing I'd like to do with the 10 minutes of my opening comments is to recognize that in the members' gallery there are 13 members of regional council who are here because this issue is so crucial to us. I would also advise members of the House that there is a delegation of business people and citizens on their way who will be here in the public gallery.

Let me say at the outset that these regional councillors and the business people who are on their way aren't here because they suddenly woke up this morning, slapped themselves on the forehead and said: "Gee, I'm a social democrat and I better get down the highway and help Dave. That's what I've got to do today: I've got to get down there and help Dave." They are here from all political stripes, people who are non-aligned citizens who have no political agenda other than dealing with the crisis that we're faced with in Hamilton-Wentworth.

My hometown of Hamilton-Wentworth has been severely, tragically and undemocratically wronged. My resolution is here today to ask this House to help my community right this wrong. Lest anyone think that this is not a real issue, I read to you from a letter, September 25 of this year, two sentences:

First, "I write to you today regarding the local Hamilton-Wentworth property tax fiasco." Second, "The entire business and residential community is outraged and my city and region are being ravaged." That was written by the member for Hamilton Mountain, a member of the government's own backbenches.

Let me also quote from an editorial of October 9 in the *Hamilton Spectator*:

"What will be done about the property tax crisis in Hamilton-Wentworth this year? That's the number one issue for many taxpayers, business people and homeowners alike, who face skyrocketing tax bills.

"There is plenty of blame to assign, starting at Queen's Park. The provincial government created considerable strain for municipalities by implementing two historic



changes, property tax reassessment and less-than-fair downloading of services to local government, in only one year. However, finger-pointing won't solve the taxpayers' problems. Municipal politicians and the region's MPPs must put their differences aside and co-operate to find desperately needed ways to cushion the blow."

That is why the resolution is here today; that is why it's worded the way it is. I agree that this is a time for us to set aside our party affiliation and scoring political points and deal with the wrong that's been done to our community and put it right.

I have not included — and deliberately so — the issue of CVA. I have not included the issue of transitional funding for the historic administrative merger that's taken place. That's a separate and complex debate in and of itself. I have deliberately confined my resolution to three key areas that I do not believe are open to political debate because they're facts; they're based on the actions of this government.

I'm going to deal with the issue of downloading and the fact that it's not revenue-neutral in our community. I want to deal with the issue of the small business rebate plan, where the government reneged on its promise, and also the business education tax, where my community is being discriminated against to the tune of \$17 million a year. Those are the three issues that I'm putting before this House in asking my colleagues to support my community in climbing out of this crisis that we face.

First, the downloading. I want to state again that the Common Sense Revolution said, "We will work closely with municipalities to ensure that any actions we take will not result in increases to local property taxes." Mike Harris also promised that the exchange of services and expenditures would be revenue-neutral. In both those instances, that's not what happened, not by a long shot. This is straight-up dollars — and lack of common sense — but dollars and cents.

1010

I want to point out to members of the House, particularly members of the government benches, two important factors as we enter into this debate today. First of all, if you're going to question the numbers that I'm about to read in terms of the downloading, I want you to remember something that's very important. The CAO of the region, Michael Fenn, who oversaw the compiling of these numbers, has one of the finest reputations in this province. His reputation, I would remind you, is so good that you just hired him as your Deputy Minister of Municipal Affairs. So if you're going to question these numbers, you are questioning the integrity of the man you just hired to be the new Deputy Minister of Municipal Affairs for the province.

Secondly, I want to remind members that my community of Hamilton-Wentworth has already cut expenditures by over \$50 million over two years. So to anyone who wants to stand here and suggest that our community hasn't done the job, first of all, you think about that \$50 million and what that's meant to our community, and then I want you to look these councillors right in the

eye and I want you to tell them that they didn't do the job. I want you to have the guts to do that, because that's what you're doing if you say that our community has not done the job that needs to be done in terms of putting our fiscal house in order.

In terms of the downloading, new costs that you've dumped down to our community such as public and social housing, ambulance services, community services, property assessment services, GO Transit — \$102.8 million. You've increased costs for child care, public health services, provincial highways and assessment appeals to the tune of \$12 million. You've cut revenue to such things as the municipal support grant, public health, transit and other important areas in our community to the tune of \$55.6 million. In return, you gave us \$134.1 million. When you do the math in terms of what you took away and what you gave us, we are \$36.3 million in the hole. That's what this is about.

It is such a clear injustice, and that's why I'm asking my colleagues from all three parties to join with me in supporting this resolution. I'm calling on other members of the government back benches, because you've got the majority control. I'm asking you to support what is clearly in contradiction with the commitment you made in the Common Sense Revolution and the promise you made — remember the pinky swear? — that it would be revenue-neutral, that property tax wouldn't go up as a result of the downloading, and yet there it is, \$36.3 million.

In my wrap-up comments, I'll point out to you that property taxes for Sandra Gray, the owner of Weeks Hardware, have gone from \$55,000 to \$132,000, a 140% increase. She employs 80 people. How many of those 80 people are going to be out of work because of the unfairness of your downloading? Roxy restaurant in East-gate Mall: Taxes have gone from \$5,000 a month to \$9,000 a month. He says he has to sell a hamburger for \$20 to cover off your property tax increase. Mike Ritovich, who operates Mountain Nissan and is a member of the Hamilton-Burlington car dealers' association: \$1.3 million in increased taxes. He has to sell 3,000 more cars to make up for the unfair downloading that you have foisted on to our community.

In the remaining seconds I want to touch briefly on the businesses education tax. This is pretty straightforward. Had you brought in a uniform application of taxes for the business education portion, we would be \$17 million ahead in our community, but as it is we're losing that \$17 million. You're taking eight years to phase it in. That's making our community uncompetitive with surrounding communities. You're supposed to believe in competitiveness. This hurts competitiveness.

Lastly, the small business rebate program: You promised a three-year program and you cut it back to one. Our business people need the assurance and stability of that three-year program.

I'm urging members to please be non-partisan about this. Support this resolution. My community needs your help.

**Mr John R. Baird (Nepean):** Taxpayers want the provincial government and all levels of government to deliver services efficiently and effectively. Previous governments have talked about sorting out who does what, about sorting out the relationship between the province and municipalities, but they lacked the courage to proceed and did not move forward with initiatives that they both talked about.

In the redivision and realignment of those responsibilities, Hamilton-Wentworth has benefited significantly from provincial funding to help the region take on new responsibilities under the realignment of local services. This year the region received \$28.4 million through the community reinvestment fund, \$3.6 million in special transition assistance, \$3 million through the special circumstances fund, more than \$8.3 million in transportation capital funding, and \$5.3 million on highways funding, a total of more than \$48 million. This is part of a \$600-million permanent funding support provided through the community reinvestment fund. Municipalities that are facing unique circumstances were able to apply for assistance from a \$77-million special circumstances fund.

Changes to the Ontario municipal employees retirement system, the OMERS pension plan, have provided \$4.5 million in savings to Hamilton-Wentworth alone. To help municipalities manage their cash flow requirements, the province remitted payments to school boards on their behalf and delayed the municipal repayments to October 30. For programs which the province continues to deliver during the transition period, municipalities were not required to make payments to the province before September 1, 1998, with an additional 30-day interest-free period. The province has also taken over the cost of education, by far the fastest-increasing portion of the property tax bill, and that is after previous governments refused to take on this issue. In total, the commercial-industrial taxes, \$512 million will be cut over the next eight years.

The member who just spoke, who I normally have a terrific amount of respect and regard for, didn't mention that he sat in cabinet for four years and they did nothing. They did absolutely nothing to cut —

**Mr Christopherson:** You are not going to compare what we did for Hamilton Centre —

**The Acting Speaker:** Order. The member for Hamilton Centre, please. You had your turn. Give him a chance.

**Mr Baird:** He was four years in cabinet and they allowed Hamilton businesses to be overtaxed and did nothing. In fact, before he went into cabinet, he was at the Ministry of Finance for a year and did nothing.

He complains about an eight-year phase-in. Had we started the eight-year phase-in the day he arrived at the Ministry of Finance, it would be complete and the \$21-million tax cut that this government is bringing into Hamilton-Wentworth would be in place.

Now the member opposite and the colleagues in his party are saying that Mike Harris isn't cutting taxes for businesses fast enough. Well, you can't have it both ways.

We have finally taken the initiative to cut those taxes, which have been overpaid for far too long. This government is taking it.

I can ask you who was fighting to get those taxes cut. There were four people who were fighting hard to fight taxes in Hamilton-Wentworth. They were the member for Hamilton West, the member for Wentworth North, the member for Wentworth East and the member for Hamilton Mountain, who finally got that decision made. If that had been done eight years ago, taxes would be \$21 million closer. Do we think eight years is too long? You better believe we do. Would we like to cut taxes faster? You better believe we would. But at least we're moving forward. At least we brought in a \$21-million tax cut to stop Hamilton businesses from overpaying.

Who set these tax rates? The member opposite wants to leave the impression that these tax rates were somehow set by Mike Harris. They were a result of big-spending councils over the years, which the member for Hamilton Centre and the member for Hamilton East participated in. We in this House —

*Interruption.*

**The Acting Speaker:** Order. Take your seat, please. I would remind the members in the gallery that you are here as our guests, and you should not participate in the debate.

**Mr Christopherson:** They are being provoked.

**The Acting Speaker:** Order. Member for Nepean.

**Mr Baird:** This government and these members on this side of the House are taking action to cut those taxes because they've been too high for too long and successive governments have refused to take action on it. But this government is taking action on it, this government is cutting those commercial-industrial taxes by a total of \$21 million in Hamilton-Wentworth, and that's good news.

**Mr John Gerretsen (Kingston and The Islands):** I think the last member's display of total arrogance for local government is probably better shown this time than I've ever seen it in this House before.

*Interjection.*

**The Acting Speaker:** Member for Northumberland.

**Mr Gerretsen:** Rather than addressing the issue and working with these people on the \$36 million that they are short, he brings out the regular kind of political rhetoric as to what former councils may or may not have done, about which he knows absolutely nothing and that's a pathetic display in this House.

1020

Let me just say that I will take the local budgeting that is done at the municipal level in 99% of the municipalities across the province, if not 100% — they go over each and every item — I will take their approach and their numbers on any of these items before I would ever take numbers from anybody in this government.

This government has said over and over again that all of their downloading is revenue-neutral. Well, why is it that over 90% of the municipalities in this province, including AMO, the clerks and treasurers and every other organization, are saying: "It is not revenue-neutral."



There's at least a \$500-million shortfall throughout the province"? You can believe this or not, but it is absolute fact.

Initially AMO said there was a \$1-billion difference between the downloading that you put on them and the number of services and taxes that you took back. You then met with them and somehow you were able to halve that amount to \$500 million. The Minister of Finance and the Minister of Municipal Affairs then said, "We made a deal with AMO." Yes, of course. They would rather be \$500 million short province-wide than the \$1 billion you originally tried to download on them.

I'm not even going to touch the area of market value assessment, which has been in the news over the last two or three days, we'll talk about that later, but it is absolutely pathetic that the Minister of Municipal Affairs, the Premier and the Deputy Premier over the last 24 hours have done nothing but blame local municipalities for the property tax mess they created. They have had six different tax bills in front of this House over the last year or so and every time they've done it wrong. They have created the mess whereby municipalities couldn't even prepare a budget until August or September of this year. Many of them couldn't get their tax bills out until maybe a month or so ago, and I understand some municipalities still don't have their final tax bill out. Most of them would normally like to set their budgets sometime between January and April of any given year. This government has created a mess, and every time it has done so it has blamed the local municipalities.

This isn't the only municipality where we've got these problems. In my own municipality of Kingston they are about \$9 million to \$10 million short. They made a similar appeal to the Minister of Municipal Affairs and he basically said: "Tough luck. That's it. That's all you're going to get."

This is not the way the province of Ontario ought to be run. This government likes to talk about partnerships with local municipalities. I've heard that at every AMO conference and, every time, the Minister of Municipal Affairs solemnly gets up and talks about a partnership. In a true partnership situation, you do not download services on the other level of government, making it an awful lot tougher for them to raise taxes.

What the people of Ontario should truly understand is that the costs the government has taken back under its wings are much more direct, much more predictable than the unpredictable costs they have downloaded on to the local municipalities. I would urge the people of Ontario to listen to the plight of council and taxpayers not just in the city of Hamilton, because this is going on throughout Ontario in many of our municipalities. People of Ontario, don't be fooled by this government trying to download the cost of extra services on other municipalities or on local taxpayers. It is simply not going to work. You cannot blame the local councils for the kind of situation that this government has created through its own incompetence.

**Mr Tony Silipo (Dovercourt):** First of all, I want to thank my colleague and friend the member for Hamilton

Centre, Mr Christopherson, for bringing this resolution to us today. I'm here to indicate clearly my support for this resolution.

I'm going to sit here during the rest of the debate and I hope the government members who are going to speak to this in addition to the member for Nepean will at least have the decency to speak to the resolution and to respond to the very issues the resolution raises, issues that deal with irrefutable facts about a shortfall, in this case, of \$36.3 million to the Hamilton area in just the downloading costs alone, the difference of the \$17 million in the way the government has chosen to apply the business education tax.

Yes, it is typical. What we are seeing happening in Hamilton is typical of what is going on throughout the province. But members aren't being asked today to fix the problem across the province, although I would say to my colleague from Nepean that he ought to get his script updated, because even his boss, the Minister of Finance, is now admitting it by promising yet another piece of legislation, which we will hear the details about tomorrow, I gather, to fix the ongoing property tax saga and scheme they have caused and the problems that come from that.

For him to stand up and say, "We've had the courage to make decisions" — you call it courage. We call it stupidity when you put small businesses in danger of having to close their doors, as is the case across the province and is certainly the case in many businesses in the Hamilton area, from what we are being told. Then you put municipalities and municipal councils — the regional councils and the local councils — in a position where the choices they have to make, if they want to try and help small businesses, as they do, are then to shift those costs on to the residential property taxpayers. What kind of a choice is that? What kind of fairness is that, when you ask people to do that?

The reality is that this is a problem the Mike Harris government has caused and it is irresponsible of them to now expect the municipalities to fix the problem for them. It is a problem that has to be fixed by acknowledging, as this resolution does, that in the Hamilton area there is a shortfall, that when the download is done, when the transfer of costs the government wants to take so much pride in between the provincial tax responsibility and the local tax responsibility is all done and settled, the numbers speak for themselves. There is a shortfall across the province of some \$500 million, \$550 million, depending on the numbers you look at, but there is a number here for Hamilton.

What this resolution is telling us is, acknowledge that which is true, that there is a shortfall of \$36.3 million of additional costs that the property taxpayers in the Hamilton area are being asked to bear through no decision of their own but directly through the decision of the provincial government. It's inconceivable that people would stand here today and rail on about overspending and high-spending councils when councils throughout the province, and certainly this council, have been doing their

utmost to maintain expenditures very close to last year's levels.

The issue is not the high-spending councils; the issue is that we have to acknowledge in this House — and we have the ability to do it through a private member's resolution that isn't binding on the government but is a way to send the message, as independent members of this House, which is what I remind members this process today is about, that says, "We acknowledge that there is a problem as it relates to Hamilton and we ask the government to take a look at that and to face up to its responsibilities."

**Mr Toni Skarica (Wentworth North):** Mr Christopherson asks the members to take a non-partisan approach. I think I am in a good position to do that and I will do that.

The Hamilton Spectator today indicates, "Local Taxpayers Must Have Help." I agree with that and all the Hamilton members here — Mr Pettit, Mr Doyle and Ms Ross — agree with that and that is why we lobbied our own government to get that \$4-million subsidy. We have written a joint letter, all four of us, to help with restructuring of the Hamilton region for up to \$27 million.

That's not what this resolution is about; that's maybe half of it at most. The other half of it says that yes, there are problems in Hamilton and they're basically all the fault of the Mike Harris government. I don't agree with that. In fact, even the regional chairman, Terry Cooke, doesn't agree with that.

In yesterday's paper, "Cooke Says Politicians Have 'Failed' Taxpayers" — all politicians: federal politicians, provincial politicians and you people up there. Your own regional chairman says that.

1030

**Mr Gerretsen:** How about you?

**Mr Skarica:** Me too; everybody. Moving forward: Who is to blame? What exactly did happen in Hamilton? I am so glad Mr Christopherson mentioned Mike Fenn because he was part of the bylaws. He participated in the bylaws. I met with him because I wanted to know what happened in Hamilton. They used the tools extensively. The download, yes, it's not revenue-neutral. I voted against it. But it's a 5% increase.

My business community is facing 100%, 200%, 1000% increases. That's not the download. How did that happen? The best way to visualize how the tax jungle happened is to imagine a gigantic garbage truck. That's not hard for us to do in Hamilton with all the hazardous waste that is flowing into Hamilton right now and has been for the last several years. This garbage truck stopped at Queen's Park and gathered the non-revenue-neutral download. That's 5% of the increase.

Then it went to the school boards. We had an amalgamation in our area. The Wentworth board where I'm at was cheaper, \$1,000 per student, than the Hamilton board. The bylaw that the region passed, these gentlemen behind us, made my taxpayers pay the same amount as the Hamilton taxpayers. That resulted in a very substantial increase. My businesses are paying at least 25% more in

taxes and Hamilton still has more programs than the students in my area.

Then the garbage truck next went to the Hamilton council itself. They did their own version of a download; it's called an upload. They have a number of programs that are losing money. They put them up on the region so that it could be spread around the whole region. That increased taxes by 0.5% to 1%.

Then the region itself: We asked them to cut costs by 2% to 3%. They instead increased expenses by 1%. They give a variety of reasons for it: "We can't reduce expenses. The province has been so unfair." Nobody has mentioned the fact that with our policies with reference to welfare, the welfare rolls in Hamilton are about 20%. In the last two years alone, the region saved \$34 million. What happened to that money? Why did it have to increase taxes another per cent?

Then the truck keeps going. It's pretty full now. Mr Christopherson talks about a municipality going bankrupt. I'll tell you one that may go bankrupt whether there's an economic downturn or not, and that's the town of Flamborough. You want to talk about mismanagement. Go to the town of Flamborough, run by Liberal Mayor Ted McMeekin. Let's talk about that. The region people confirm they made money on the download. We gave them a \$1.3-million cheque. They had \$640,000 left over. What did McMeekin do with it? He put it in a reserve fund for a lawsuit. He could've reduced taxes.

**Mr Christopherson:** On a point of order, Mr Speaker: I don't think it's appropriate for the member to be raising personal names and casting aspersions against that name. I'd ask you to rule as such.

**The Acting Speaker:** This is not a point of order.

**Mr Skarica:** The Flamborough council could have reduced taxes by 5% if they had given the money we gave them back to the taxpayers. They used it for other purposes. They increased taxes 5% and blamed us. That's what's going on. The people of Flamborough are upset and they have started signing petitions. I've already filed 30 pages of these. What's McMeekin's response? Here it is in the Flamborough Review, "Council Spends Almost \$1.4 Million in Buying Spree." I'm almost out of time.

It's everybody's fault. Our small businesses — in the Dundas Star, "Tax Hike Threatens Survival." What happened in Hamilton was, there has been a massive tax shift. It's come from outside the Hamilton core which has been devastated by too many taxes because of too many programs that have failed in Hamilton. Now their property values have been reduced. They can't pay their taxes. All of sudden, with all these increases, it has to go somewhere. It's gone out to the successful businesses on the Mountain, in Westdale and in my area.

That's why there are 100%, 200% and 1000% increases, even though there are all kinds of headlines like "Tax Hike Threatens Survival." I've had people come into my office crying that they've been wiped out by 200% tax increases and it has been a direct result of this bylaw structure that has done a massive shift outwards, and they're not going to do anything about it. Their only



response is, "We want more money from the province." I'm telling them that we have all spoken to Ernie Eves and we want something done about it. We're going to do something about it. We're going to put on a cap so that our small businesses don't get wiped out. We're going to do that.

All responsible politicians should do what we do: Look at your expenses and cut those and don't wipe out taxpayers.

**Mr Alvin Curling (Scarborough North):** I want to just come to it from an objective point of view.

*Interjections.*

**The Acting Speaker:** Order. You each have the opportunity to voice your opinion. It's now his turn. Please. Member for Scarborough North.

**Mr Curling:** I know the Conservatives cannot look at anything objectively. What they have done all the time is divide and conquer. That's what they have done. The fact is that we know your program is not working. Your downloading aspect of it has hurt many municipalities. Hamilton is one of them. You see where the shortfall has come with them. When Toronto told you that your downloading aspect and your strategy wasn't working, and after Mel Lastman came in and really toe-to-toe bullied you all, you decided to bow to it, give some interest-free loans and help out in some respect.

The divide-and-conquer thing will not work. What has happened to Hamilton? Why don't you revisit your situation again and realize that you have to put in another proposal? Maybe you have. Your seventh tax bill may do that, but I don't think it will. You have always created a crisis and then turned around and tried to say, "Maybe now I'm going to become the captain and save it all." Just like you've done with the hospital situation and emergency rooms, now that you have created this crisis you're going to come in and try to resolve this. That way you are blaming everybody else, when the blame lies right smack on your kind of strategy. Your divide-and-conquer and the discriminatory way in which you treat some of the municipalities are not working.

I just want to say to you, let's not look from a partisan point of view. Look at Hamilton as a growing area that needs support from the provincial government. It doesn't need the kind of bullying that you're doing and the kind of biased manner in which the previous member has just spoken. I just want to make those points and give my colleagues a chance.

**Ms Marilyn Churley (Riverdale):** I just want to take a couple of moments here to speak on this resolution this morning. First of all, I want to acknowledge the efforts made by my colleague David Christopherson today on behalf of not only his own riding but all Hamilton. I must say, sitting beside David in the House, sometimes I have to plug my ears because he speaks very loudly and passionately about many issues, but when I hear him talk about Hamilton he speaks passionately, he's well informed and he fights continually, on a day-to-day basis, for his hometown. I want to acknowledge that today.

I want to thank the members who are here today, different politicians from different political stripes, I

assume, both male and female, for coming together united on this one issue, because it is so important that communities, no matter what the political stripe, come together and fight this kind of blatant downloading that we're seeing all across the province.

I cannot believe that once again here today we hear the Tory members come out with the same old set speech: "Let's blame it on the last 10 years," the governments before them. "Let's blame it on the municipal politicians; let's blame it on everybody, but it's not our responsibility." That's what they say day after day in this House.

You've got to wake up and smell the coffee. Hamilton people are here today and David Christopherson —

*Interjection.*

1040

**Ms Churley:** There he goes again, the member for Etobicoke-Rexdale talking about what we did in power. We sure as hell didn't do the downloading that you guys did to Hamilton and all kinds of communities across this province. It is time that you woke up and smelled the coffee. You are hurting our communities. Take some responsibility.

Mike Harris promised on his pinky finger — wasn't it cute, and everybody stood up and applauded — that the downloading, the exchanges of services, would be revenue-neutral. We know that isn't so, and you won't admit it. He also promised Robert Fisher that there would be no hospital closings. Well, look what's happening across the province.

You have got to wake up and accept responsibility for what is happening here today in Hamilton. You can't just sit there and continue to blame it on everybody else but yourselves. This is a reality. You have to bring forward yet again another bill — is it the sixth bill or the seventh? — on your tax changes.

I plead with you today —

**Mr John Hastings (Etobicoke-Rexdale):** To go back to the old standards.

**Ms Churley:** Oh, no. Not to go back to the old standards; to go back to decency in this province, to go back to serving the people of this province the way they should be served. Government has a role to play in this society, and the role to play is equity and fairness for everybody. You have moved so far away from that concept. You read in the newspaper today that the rich are getting richer and the poor are getting poorer. We're seeing municipalities like Hamilton across the province practically unable to keep up with the services that they need to make sure there is equity in their communities. I personally am sick and tired of this nonsense coming from you guys. I want to hear somebody stand up here today and tell what is real — I am choosing my words carefully here. I'd like to hear the member for Hamilton Mountain stand up and speak up for his community today and tell the people what's really going on.

**Mr Baird:** Tell us about the social contract.

**The Acting Speaker:** The member for Nepean.

**Ms Churley:** There he goes again, trying to place blame somewhere else. You're the government now, and

you're hurting Hamilton and you're hurting communities across this province. It is so typical of you to blame other people. Be brave today. Stand up against your Premier. Just try it for a change. Support this resolution. Stop being so cocky and arrogant over there. Go to your Premier, go to your finance minister, and say, "Enough is enough." Get to the bottom of this and make sure the municipality of Hamilton has the money that they've been robbed of, frankly, and the other communities across the province as well.

**Mr Ed Doyle (Wentworth East):** A very impassioned speech over there from the new taxfighters: the new taxfighters from the NDP, the new taxfighters from the Liberal Party. That's what we've got, the new taxfighters. These are the people who raised taxes 65 times when they were in office. This is the party —

*Interjections.*

**The Acting Speaker:** Order. Take your seat for a minute. Order. Nice to hear you, member for Wentworth East. Please.

**Mr Doyle:** Do you need the microphone, Mr Speaker?

Yes, these are the new taxfighters. Let me tell you about the new taxfighters: 65 tax increases. Since we have been in office, taxes have been lowered over 60 times by this government. Every time they talk about the 30% tax cut that we gave, do you know what they call it? They call it "that stupid tax cut." These are the taxfighters: "that stupid taxfighter." This is incredible. I just don't believe what I'm hearing: the new taxfighters, the NDP and the Liberals.

Let's talk about something else here. Not too long ago, the New Democrats said to the Liberals and to us, "We would like the employment insurance money to be given back to workers and employers." Guess what the Liberals did? They said, "No, we're not going to do that." They didn't agree to that; they disagreed with it. When they wanted to do something about \$2 billion in downloading to the province on health care issues and social issues, they said no. These are the new taxfighters, the new taxcutters.

I can't support this resolution. We care about our taxpayers in Hamilton-Wentworth more than they've ever demonstrated.

**Mr Dominic Agostino (Hamilton East):** I'm pleased to join the debate. I want to congratulate my colleague from Hamilton Centre for this well-thought-out resolution which makes a great deal of sense and addresses the issues of Hamilton-Wentworth.

I'm amazed at the arrogance, the cockiness and the insensitivity that the government members have shown to this issue. It's always blame someone else. In health care, it's not the government's fault; it's the hospitals, the doctors and the nurses. In education, it's not the government; it's the teachers and the trustees. In welfare, it's not the government; it's the welfare recipients. In municipal downloading and taxes, it's not the government; it's the municipal councils. That is typical of your arrogance. That is typical of your style of bullying, of your style of government.

Very clearly, the comments by the members for Wentworth East and Wentworth North are an insult to Mayor Morrow and Hamilton city council; an insult to Mayor Etherington, who is here, and regional council; an insult to every civic official.

I can tell this government that you can take some lessons in the spending and the cuts that have occurred and the budgets that have occurred in Hamilton and Hamilton-Wentworth. They don't need to take a back seat to and be lectured by any slash-and-burn members of this government who are totally insensitive to the needs of property taxpayers.

Hamilton-Wentworth sent four Tory members to the Legislature last time, and what did Mike Harris give them in return? The middle finger. They received Mike Harris's middle finger in return for sending four Tory members to Queen's Park.

**The Acting Speaker:** Order.

**Mr Agostino:** I don't think that's unparliamentary.

**The Acting Speaker:** There are words that you have to be very careful with. I would ask you just to withdraw that, please.

**Mr Agostino:** If it's unparliamentary, I'll withdraw it. I don't think it is, but —

*Interjections.*

**The Acting Speaker:** Order. I find that totally unacceptable.

**Mr Agostino:** I'll withdraw that. Withdrawn.

We're talking about Hamilton-Wentworth being shafted to the tune of almost \$37 million. Those numbers are beyond dispute. As my colleague from Hamilton Centre mentioned, these numbers were not pulled out of the air, they weren't pulled out by opposition politicians; they were put together by the man you have hired as your Deputy Minister of Municipal Affairs, a man whose credibility and competence is beyond question. These numbers are accurate.

I find it amazing that the member from Wentworth spoke about all of this earlier. He was one of the most critical members of this government when the downloading exercise took place, and all of a sudden he's bought in. All of a sudden the whiz kids in the Premier's office have basically pulled his string and said: "Come back in line with us. Do what you're told."

Government members can't have it both ways. You have people like the member for Hamilton Mountain who will stand up and say, "We've been hurt by this." You have the member for Hamilton Mountain writing to the Minister of Finance, pleading for his political career, saying, "I did not leave my career to be a one-term MPP." I suggest to the member for Hamilton Mountain, start sending out your resumé, because you will be a one-term MPP as a result of this downloading exercise.

You can't have it both ways. You can't sit in the House and vote in favour of the downloading bill and then go back home and tell the Hamilton Spectator that maybe what the government did was wrong. You can't have it both ways. Have the courage and the integrity to either vote against the legislation or, if you don't agree and you



believe they screwed your community, step out of the caucus and sit as an independent. You can't have it both ways.

**The Acting Speaker:** Order. Be careful with your language, please.

**Mr Agostino:** That's not unparliamentary.

**The Acting Speaker:** Just be careful.

**Mr Agostino:** I really expected a tone of co-operation from the government members, particularly from the Hamilton area. If anybody knows of the devastation the business community has seen, they know. They know of the increases of 50%, 100%, 500%, 900% in business taxes. They know of the devastation that homeowners, senior citizens, the disabled, working Hamiltonians are facing as a result of this massive downloading.

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The region and the city can't cut any more. There just isn't anything left to cut unless you get into essential services. You simply can't come up with a solution the Premier put together on the back of a matchbox yesterday that suggests that somehow we're going to cap it, without any additional funding. Where's that money going to come from? Is it going to be from residential taxpayers? Is it then going to be put on to the business that had a bit of a decrease? Who is going to pay for that? You can't just come up with these solutions that don't work.

You've brought in seven bills to deal with property tax reform. Now you're going to be on to bill number eight. You talk about sheer incompetence, and who's paying the price? Homeowners, businesses in Hamilton-Wentworth. They are paying one hell of a price.

This resolution today addresses that. All it says is: "Treat us fairly. If you want to challenge our numbers, go ahead. Show us that our numbers are wrong. No one has done that yet. No one from the ministry has shown us that our numbers are wrong" — that the Hamilton-Wentworth numbers are wrong — "because they know that the numbers are right. They know that we've taken a beating of almost \$37 million."

Think about that. Think about your communities. You can sit there with your arrogance and your cockiness if your community is not affected, but think if your taxpayers, Tory members, had been shafted to the tune of \$37 million and have to pick that up through property taxes. If that happened, think about how you would react. Would you have the guts and the courage to stand up and support your community or would you simply allow the Premier and the Premier's office to pull your strings and tell you what to do?

Very clearly, the Hamilton members, the government members, have an opportunity here at least to undo some of the damage they've done. You can't undo the fact that you voted in favour of the downloading bill. You can't undo that, but you've got an opportunity now to send a message to Mike Harris to say: "You know what, Mike? We made a mistake. I made a mistake as a member who voted in favour of the downloading bill." If Tory members can say that, it is your opportunity to try to undo that damage. For a change, it is your opportunity to say, "I was

elected to represent my constituents at Queen's Park, not Queen's Park in my constituency." It is an opportunity and people will be watching.

It is not a coincidence that 12, 13 members of city council and the mayor of Glanbrook have taken the time to come down here today. Can you not understand how important this is to our community? Can you not understand the devastation we're facing? If you're simply going to sit there and point fingers, it isn't good enough. It is not council's fault; it is your fault. I can tell the government members in the Hamilton-Wentworth area, you will pay a heavy political price for the beating you have laid upon our constituents. It isn't good enough to sit there and say, "Well, maybe we made a mistake." It isn't good enough.

You now have an opportunity to stand up. You now have an opportunity to cut the apron strings from the Premier's office. You now have an opportunity to vote with your hand, not the hand that is being pulled by Mike Harris. Say no to the whiz kids, say no to the Premier, say no to your caucus and say yes to the taxpayers of Hamilton-Wentworth.

**Mrs Lillian Ross (Hamilton West):** There's an old saying, "So much to say and so little time in which to say it." First of all, I want to welcome the members from Hamilton city council and regional council. I have some friends there and I hope I still do after my short little speech here.

I want to put on the record that I support very sincerely and strongly the homeowners and the business people in my community. I listen to their concerns all the time about the taxes they are facing and about the 1.97% tax rate they're looking at in the city of Hamilton. I share their concern that that tax rate is far too high.

In the resolution, the member has talked about the property tax system being unfair. He had an opportunity when he was in government, when he sat at the cabinet table, to look at that and to revise that system.

I have fought for my community. I've fought for funding for Red Hill Creek. I've fought for transitional dollars and I'm prepared to continue that fight for transitional dollars, the \$27 million. I work with my community to try to get them the support they need.

Unfortunately, I've run out of time.

**Mr Christopherson:** Let me say at the outset that I recognized that there was going to be acrimony. It's impossible for us to deal with anything in this House, quite frankly, where at some point we don't touch open nerves and passions get ahead of us.

I drafted this resolution in a way that I sincerely had hopes for today during private members' public business, where there isn't the party discipline, where we don't whip the votes. It's the one time as backbenchers and individual members that we are not only expected but encouraged to come here, speak our minds and vote our conscience.

Had I loaded up this resolution with all kinds of political attacks, I can assure you that my colleagues on Hamilton city council and Hamilton-Wentworth council

wouldn't have given it more than the 10 seconds it would take to move a motion to file the thing. But I dealt clearly and strictly with three key areas where, yes, the government is responsible. I'm not suggesting, and no one is, that all of Hamilton's problems and all of Hamilton-Wentworth's problems are solely the responsibility of Mike Harris. That is a ridiculous position to take. But in the three areas that I've outlined in the resolution in terms of the downloading, in terms of the small business rebate program and in terms of the business education tax, those are your responsibilities.

My colleagues on local councils didn't take any initiatives that caused that problem. You initiated all three of those measures. I didn't get us into a whole debate about the other things that have happened in our community, what's happened to our health care system, what's happening to our school system.

By the way, you might be interested to know that tonight at the board of education, there are going to be recommendations about school closures. As many as 30 schools in my community are going to close. That's not in the resolution, and deliberately so.

When I heard the member for Wentworth North —

**Mrs Ross:** You didn't do it when you were there.

**Mr Christopherson:** I just heard one of the members say, "You didn't do it when you were there," and that was a comment the member for Hamilton West made. I say to them very directly that the mayor of Hamilton is here. Mayor Morrow is here. You ask our mayor in terms of accessibility to cabinet ministers, accessibility to decision-makers, dealing with local problems, providing the support and, yes, providing the dollars that our community needs. Ask him — and he's not a New Democrat — what the difference is between dealing with our government and this government.

In terms of our downtown initiatives, we were beginning a program to look at a special taxation policy for downtown Hamilton that, had the election not come, quite frankly, and had the result not been what it was, we indeed would have had special legislation for downtown Hamilton and we wouldn't have half the problems that are facing us right now. You didn't do anything with that. Instead, you brought all these other problems on to us.

*Interjection.*

**Mr Christopherson:** The member for Wentworth East, I'm not sure exactly what that was all about, but it wasn't about the resolution; and the member for Hamilton Mountain didn't speak and I don't know why. He was in the House. He let another colleague speak, another backbencher from another community.

**Ms Churley:** From Ottawa.

**Mr Christopherson:** Which is fine, he's entitled to speak, but I thought that every member from Hamilton-Wentworth would have wanted an opportunity to speak to this important motion.

I want to put on the record that I think there are members in this House from Hamilton and from Nepean who owe my municipal colleagues an apology for what the members said and the things they said about them. It's fine to sit back there in the backbenches with all the protection

of a majority government and the cabinet ministers out there and say, "You didn't do the job." I sat on that council for five years, city and region. That's a tough job, and our councillors and our aldermen have done the best job they possibly can in impossible circumstances. You ought to be standing up and applauding the job they've done rather than standing up and besmirching their reputations.

Let the record show that today in the gallery were Mayor Robert Morrow, Mayor Glen Etherington from Glanbrook, Councillors Dave Wilson, Mary Kiss, Marvin Caplan, Andrea Horwath, Ron Corsini, Bernie Morelli, Dennis Haining, Chad Collins, Bob Charters, Terry Anderson, Bill Kelly and Frank D'amico. They are here.

You know who else is here? Take a look up there. Go on, take a look, guys. Right up there is Mary Pocius, who is the executive director of the International Village BIA. She represents 8,000 businesses. She's here because this matters to her and her members. She's not here, quite frankly, to do harm to this government, and she's not here to do any great political favour for me. She's here because this is an important issue.

#### 1100

Members, members of the government because you have the control, and my colleagues the MPPs from Hamilton-Wentworth, I'm asking you to recognize the crucial negative impact of your downloading, of the business education tax and cutting back the small business rebate program from three years to one. Those are the three issues that I put forward in the motion and in my resolution. I'm asking you to recognize that this is not a political spin. These people are evidence of that.

Our community is hurting. We have work to do locally at the city council and the regional council, and these women and men are dedicated to do everything they can for those things that are in their power. But the three items I've put before you today are not in their power. They can't do anything about these injustices; we can.

We can't make a decision that's binding on the government, but collectively, as individual members from communities like mine in Hamilton-Wentworth, you can stand up and join with us and say, "It's not fair what happened to Hamilton-Wentworth in these three issues, and I'm going to give my support to them because this is legitimate and because I do want to be a fair-minded member of this Legislature." It's on that basis that I'm asking members of the government backbenches and Tory members from the government benches to please join with the rest of us in supporting and correcting the injustice that has happened to Hamilton-Wentworth. It's the only fair thing to do.

#### RURAL AND NORTHERN HEALTH SERVICES

**Mr Tim Hudak (Niagara South):** I move that, in the opinion of this House:

Whereas the Ontario government has shown the leadership to address access to health care in under-



served communities through the rural and northern health care framework, the \$70 per hour sessional fees for emergency room physicians, and enhanced incentives for recruitment and retention of health professionals; and

Whereas the government's Bill 127 has legally recognized the important role and enabled greater participation of highly skilled nurse practitioners as part of a multi-disciplinary health care team;

Be it resolved that the government should act to further improve and expand the underserved area program including the integration of nurse practitioners into primary care practices to make underserved areas more attractive to physicians and other health care professionals.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the member has 10 minutes for his presentation.

**Mr Hudak:** It's a pleasure to rise in the House on my resolution, which I see as a very important and emerging issue in my area, the Niagara Peninsula, other parts of southern Ontario, southwestern Ontario, as well as the long-standing challenges that the health care system has had getting health care professionals and doctors to rural and remote parts of northern Ontario.

I think the number of members who want to speak on this bill is a testament to their concern about ensuring that the citizens in their ridings have access to health care services. I'm joined today on this side of the House by my colleagues from Bruce, Durham-York and High Park-Swansea, three different areas of the province to address this issue today.

As a preamble, I have to remark that this government has recognized the importance of access to health care in small-town Ontario. There are a number of things we've done already. I don't think we should lose sight of the fact that the underserved area program has in fact been around for about three decades. I believe it was in 1968 that the program began, because there has always been that challenge for the rural, remote and northern parts of the province to make sure that they had health care professionals available to the citizens to deliver health care services.

In 1995 we came up with a number of new incentives to help recruit physicians to small-town Ontario. I'll give you some examples. For a number of emergency rooms that faced closure, quite frankly — if this government had not acted, about 70 emergency rooms in rural Ontario probably would have closed — we brought in what is often called the Scott sessional fee, a \$70-an-hour fee to ensure that there are incentives for physicians to cover the rural emergency rooms. Seventy across the province have been kept open because of the actions of this government for access to health care in small-town Ontario. In fact, in my riding Fort Erie's Douglas Memorial Hospital is one of those hospitals.

Importantly too, coming from the backbench of this party, a number of MPPs, along with the health minister at that time, Jim Wilson, came up with the rural and northern health care framework. In fact, the member for Bruce

speaking with me today played an important role in that as well. The rural and northern framework ensures that there is continued access to health care services in rural and northern parts of the province. I think the way it's going to unfold is the hospitals that are classified as rural will be staying open across the province and will be providing 24-hour access to emergency care. It's another important step to make sure that citizens in small-town Ontario have access to health care services.

Just shortly after being appointed as the parliamentary assistant to the Minister of Health by the Premier, one of my first responsibilities was to bring in Bill 127, which legally recognized the important role of nurse practitioners in this province. Many other jurisdictions in North America had recognized these highly skilled and highly trained nurse practitioners, but Ontario had not yet passed legislation to legally recognize that. One of my first tasks, and it was a pleasure, was to carry that bill through debate in this House, which I would say was a very popular bill; in fact it received all-party support. Nurse practitioners now are legally recognized as a profession in the province.

It's my view, and through this resolution I'm trying to point out, that it's important now to take the next step. We've done the \$70-an-hour emergency fee to keep those ERs open, we have the rural and northern health care framework to ensure access in rural and northern Ontario to health care services and we have the Bill 127 nurse practitioners. It's important to take the next step to improve the underserved area program to make sure that we'll try some innovative ideas to attract physicians to small-town Ontario.

I should at this time speak about a good group that has been put together in the Niagara region. Dr Jeff Remington, a highly respected physician raised in Fort Erie and now practising in Port Colborne in my riding, is chairing this committee to come up with new ideas to attract physicians and health care professionals to the Niagara region. I have a quote from Dr Remington at the time I bounced this resolution around in his office. Dr Remington says, "The integration of nurse practitioners into the practices of family physicians in underserved areas will greatly assist in our ability to provide increased care and necessary services to our patients and communities."

I think the goal through integrating the nurse practitioners is, first of all, to offer that important service to the people in the small communities, the additional services that an NP can provide. Some examples include performing general health assessments, well baby checks, periodic examinations and screenings, immunizations, some diagnoses that are permitted under the legislation and, importantly, health teaching, prevention, preventive medicine. One could argue that currently under the OHIP schedule benefits there's not often that incentive for the doctors to work hand in hand in practice and in integration with the nurse practitioners. If we can find a method to try to integrate these services where they work together as a team, I think that will help enhance health care in the

Niagara Peninsula and other parts of Ontario that could take advantage of this service.

Working as a team in that office would also help ease the doctors' workload. They often feel that the number of patients under their practices in small-town Ontario is growing. As more doctors are retiring, it seems in many areas that there are fewer moving from the schools in the big cities to come to small-town Ontario and, as a result, the doctors are picking up larger and larger practices. I think by having them work with the nurse practitioners and other health care professionals, we can look at ways of ensuring that that burden is eased, ultimately making small-town Ontario a more attractive place for family physicians and other health professionals to set up their practices.

1110

We have a number of financial incentives that have been set up under the UAP, including the \$15,000 financial incentive, and a disincentive in terms of limits on OHIP billing in the overserved areas. If somebody is in an underserved area program, they're part of that. They can get funds to help pay for doctors' visits to the communities so the doctors can see what a great place Port Colborne is, for example, or Fort Erie or Wainfleet or Smithville. I know very well that those are great places to live, but often, in trying to reach the doctors in training in Toronto or Queen's or such, that little extra financial incentive to pull them into the community to see what a great place it is I think is important.

There have also been a series of community-sponsored contracts and other financial incentives; globally funded group practices. We have a number of financial incentives across the province that are having some success. But I would argue for going a step further and looking at ways of integrating — as one idea among many that I've heard from my colleagues here — to offer, in addition to the financial incentives, some lifestyle incentives to make practising in small-town Ontario that much more attractive.

I certainly look forward to the other ideas brought forward today to look at ways to enhance what is offered for underserved areas. As I said, I believe that the financial incentives we have out there have been successful, but I'd like to see an additional array of services that will add that lifestyle component to make places like the Niagara region attractive for health care professionals.

Interestingly, a student who is a nurse practitioner, who lives in Fort Erie and attends school just across the border, came to me because part of her class project was to see if her congressman knew much about nurse practitioners. She came into my office as her member of the provincial Parliament and was pleased to hear that I was the member who helped bring this legislation through the House. Her name is Charlene Cormack.

Charlene said about this proposed idea, this resolution: "By working collaboratively with physicians, nurse practitioners will increase access to health care within a small community. Integrating nurse practitioners into the practices of family physicians would allow the physicians to concentrate on the more acute cases. It would be a

benefit to" any community. That's a nurse practitioner student in my riding.

It's also interesting to hear what Linda Jones, the chair of the Nurse Practitioners Association of Ontario has to say about this resolution, this idea. "On behalf of the Nurse Practitioners Association of Ontario, I would like to express our full support for this resolution. It will allow underserved areas access to the knowledge and skills of the primary health care nurse practitioner."

Also, working with PAIRO, I've had some very good conversations with some of the members of PAIRO on what some of their ideas are to help enhance the underserved area approach of this government. They've been working very hard, as we all know, in approaching the government. They've spoken with me and the health minister. They believe as well that there are some opportunities in looking at ways of integrating nurse practitioners and trying some new approaches to this important issue.

I encourage all members of the House to support me in this idea, and I look forward to the comments of my colleagues.

**Mr Gerard Kennedy (York South):** It is a pleasure to talk about the subject, but not about this bill. This is propaganda brought into private members' hour. The member opposite, in introducing the resolution, the bill, talked about PAIRO, the association of interns and residents, which does not support this resolution. And why don't they? Because of the "whereases," because in here the government tries to claim that it has done a good job.

We heard the member opposite talking about nurse practitioners. Where, Mr Hudak, are the nurse practitioners? You haven't paid for them. We supported the bill. We went to your minister and offered to put the bill in, because you hung on to it for so long, and now there is no money yet to pay nurse practitioners. You announced \$5 million and there's none of it available. Where are the nurse practitioners?

When you're talking about underserved communities, you did bring in something called a rural health framework, but you're still closing hospital emergency rooms, still turning them into nurses' stations in most of those communities. Most of your members who represent rural communities know that. They know that in Grimsby, in places like Bruce and Huron, you are effectively going to be closing those hospital rooms because all you've done is put them off on a political basis. And why? Because the Harris government is treating every community like they're the same community. You walk into those towns with a formula made in Toronto and you've cut out the funding. You've taken the funding away. How is Fort Erie going to be able to provide services?

Look what happened yesterday in Milton. Yesterday in Milton, a town of 34,000 people, they fired the obstetric nurses. They fired them because this government will not provide an adequate basis for medical practice and health services in the rural areas. Sadly, this is the real track record of this government. We have lost obstetric nurses in Milton; there is no effort being made to recruit obstetricians.



We see also that this government talks about setting up programs. They announced \$36 million in December 1996 for underserved areas; there should have been about \$75 million spent. Only \$4 million worth of contracts have been spent, \$4 million out of \$75 million, about a 7% or 8% batting average. That's about what this government deserves: a 8% mark on what it is doing or not doing for rural and underserved areas.

We see what they've talked about in terms of doctors. What have they done to help people in rural areas have better access to doctors? What they have done is increased medical fees to \$10,000 and \$15,000, eliminating the possibility for good, talented doctors to arise from the communities that need them. This is the kind of thing that's happening under this government. This is the kind of thing that we should get excited about, because this is the government that's going to be hoisted by this.

We saw 7,000 people come out in Grimsby and hold a vigil for their hospital. We saw as many people sign letters from small communities in the Bruce and Huron. This is going to come back to haunt this government. They have not been there for the people who need them. They have not recognized the economics, the social value and potential that comes from communities because they have a hospital.

The bottom line is that under Mike Harris, rural health care has deteriorated. The people who live there know that, and hopefully, they'll make this government pay for that.

**Ms Shelley Martel (Sudbury East):** I'm pleased to participate, and since there are three of us participating, I'm going to get right to the point.

The member talks about integration of nurse practitioners into the health care system. I say to him, for goodness' sake, then your government had better start to find a way to pay them, because until your government finds a way to pay nurse practitioners to work in this province, all you have done is given them the scope of practice, allowed them legally to work, but not given them the means to finance themselves to do that.

All the members in this Legislature voted in June 1997 to allow nurse practitioners to legally work in the province of Ontario, but before that, during the debate on that bill and ever since that time, this government has consistently refused to find a broad-based scheme to remunerate nurse practitioners who want to use their skills, their expertise in providing health care to the citizens of Ontario, particularly to those citizens who live in underserved areas. Your government has consistently refused to find a mechanism to pay these people to work in Ontario.

Our party has been trying to convince this government to do something about this serious issue. My first letter was to the first Minister of Health in this province under this government, Dave Johnson, in 1997, when I wrote to him and said, "Number one, you need to pass nurse practitioner legislation to allow them to practise legally, and you need to include in the legislation a scheme to pay NPs so that they can practise." I got a reply back from Dave Johnson thanking me for my concerns. He didn't say

a word about how we were going to pay for NPs to work in the province.

I wrote to Minister Jim Wilson at the time the legislation was going through this House in June 1997. I said to him, "You have to come to terms with the fact that a funding mechanism is necessary to allow nurse practitioners to work independently or in partnership with physicians in underserved areas, or we will never get the benefit of their skills and expertise." Jim Wilson wrote back in July 1997, saying: "It is not the intention of the government to have fee-for-service privileges for NPs. It is not the position of the government to open up the community health centre program so that more nurse practitioners can be employed in community health centres in this province. The government will continue to look at what opportunities may exist as health care restructuring occurs."

We have a crisis now with respect to health care professionals in many, many underserved areas in northern and rural Ontario. We can't wait until health restructuring continues to unfold. We need this government to show some leadership and to follow on with the second phase of Bill 127, a phase which in fact should have been included in Bill 127, which is, how do we pay nurse practitioners?

Then I wrote to the third health minister in this province under the Tories, to Elizabeth Witmer, and encouraged her to look at this very serious issue. I did it particularly in light of the announcement that was made in the May budget that \$5 million was being set aside by this government to expand the role of nurse practitioners in Ontario. I received a letter back from Ms Witmer in September of this year which said that \$5 million has been set aside. "We hope to announce the implementation plan for the \$5 million in the early fall 1998."

**1120**

This is the same sad scenario as the sad scenario we've been dealing with with respect to emergency room funding. The government makes an announcement that there's going to be emergency money, it's coming immediately, and six months later, because there's a huge crisis developing in the public again in emergency wards, the Premier finally trots off and presents the first of what we hope will be a number of cheques to come with respect to emergency funding. Six months it took this government to get the first cheques out the door.

We are sitting here five months after the announcement with respect to \$5 million for nurse practitioners and this government has done nothing to get that \$5 million out the door.

We have all kinds of needs for nurse practitioners in underserved areas. We have 27 northern communities designated underserved right now, and we have 45 communities in southern Ontario designated as underserved right now. We have a proposal before the Minister of Health which calls on the Minister of Health to allow nurse practitioners to work with physicians in underserved areas and to have a separate fund of money set aside to pay salaries for those nurse practitioners. It's

called the nurse practitioner justification fund. This was put before the minister well over three months ago. There is still no reply to that good suggestion about how to get nurse practitioners working.

I say to the member, it's a joke that you bring this resolution here this morning. You talk a good line about integration. Why don't you lean over and talk to the Minister of Health and her cabinet colleagues on Management Board and tell them to get the \$5 million out the door so that we in underserved areas in particular can benefit from the expertise, the skills and the health care specialty that nurse practitioners can provide? Why don't you do that? We might be a whole lot further ahead.

**Mrs Barbara Fisher (Bruce):** I am very pleased this morning to have the opportunity to speak in support of Mr Hudak's resolution. I am supporting the improvement and expansion of the underserved area program to include the integration of the nurse practitioners. I have special interest in this issue of rural health care as I represent the riding of Bruce, which obviously is predominantly rural. I appreciate the difficulties that rural communities face in attracting and recruiting physicians.

In the riding of Bruce, one area has already been designed as an underserved area; two are looking at that possibility as well. The day I was elected, there were already two underserved areas. It is not a new problem. It is something that must be dealt with, and politics need to be put aside. We are doing our best and moving forward to make that happen.

The rural and northern communities are obviously different from large urban centres and therefore must be considered differently. Distances between hospitals are greater. Weather conditions come into play. When patients are being transported to areas away from their homes, we have to think about what that does in terms of loved ones who want to visit those people in other locations. It does have a huge impact and it's obviously negative.

The rural health care policy has taken many of these problems into consideration, and the underserved area program is one which is welcomed by communities in rural areas, including mine, although a previous speaker this morning implied that Huron and Bruce weren't supportive of this, much to his chagrin. If he'd checked the details, in fact we are very supportive, and that comes from those professional people, the doctors and nurses in the area, who want that support of assistance to them.

At the end of August, the southwestern Ontario rural medicine unit announced the hiring of Mr Jay Orchard as the community development officer. Jay is located in Goderich, in Huron county. He obviously services Bruce, Grey and the rest of southwestern Ontario. This new position, funded by the Ministry of Health, will focus on recruitment and retention of physicians for rural and underserved communities throughout southwestern Ontario. Mr Orchard will help communities develop strategies and supports to recruit and to retain physicians. This is good news for communities in my riding.

We have progressed very well, by the way, with the restructuring of health services in Bruce, and I'm very

proud of that because it was driven by the community, it was led by the community and the solution is being made by the community as to how to help themselves.

There have been many other innovative solutions found. I am particularly pleased that in Bruce and Grey a number of hospital administrations and boards have amalgamated. By the way, the health restructuring commission hasn't been there yet, and this has been done in a voluntary, progressive way. These amalgamations have reduced the size and cost of administration of hospitals, and as a result not one hospital has been closed.

Economic development in a small community is usually dependent upon its being able to provide such services as adequate health care, including hospitals. We in rural communities know that better than other people, in urban settings, might.

The expansion of the underserved area program to include the integration of nurse practitioners into primary care practices will make underserved areas more attractive to physicians and other health care professionals. Doctors have said that one of the reasons they hesitate going into practice in underserved communities is lack of professional support. If doctor numbers are too few in a community, the workload is too heavy, and of course they won't come, nor can they be expected to come.

I have worked and lived in a small community for over 25 years and I can attest to the fact that the physicians are overworked and experience burnout. Nurse practitioners will help alleviate that workload.

The Society of Rural Physicians recently held a symposium in Newfoundland to discuss this very issue. I understand that the society, generally speaking, is supportive of nurse practitioners.

I had the pleasure last night of attending an OMA function and again it was expressed that they are supportive. Certain criteria have to be established and met. It is important that the nurse practitioner work within a defined role.

These health care professionals are not meant to replace physicians, but should be employed wherever possible to improve service in conjunction with physicians, health care boards and the people.

The society passed five resolutions with respect to the role of nurse practitioners. These include: There should be a national process to develop guidelines for the scope of practice of nurse practitioners; there is an enhanced skills set and specific education required by nurse practitioners; the activities within the role of nurse practitioners are location- and site-specific; funding models must be developed to enhance co-operative and collaborative care; innovative education is needed to provide core competency and an enhanced skills set.

However, Ontario has moved ahead. In 1997 amendments were made to the Nursing Act and other related acts. These amendments defined and established the role and responsibilities of the nurse practitioners in Ontario.

The nurse practitioner focuses on giving people the information, care, advice and support they need to be healthier and to prevent illness and injury. Patients can



make the best choices with regard to their own health care if given the opportunity. That's why we want to move forward with this.

The nurse practitioner is now allowed to conduct certain and limited functions previously performed by physicians. These services include ordering certain X-rays, ultrasounds, basic lab tests, and the prescription of certain treatments and medications. These fall into the overlap of services between the nurse practitioner and the family physician. This overlap does not mean competitive practice, but can be and we look forward to having it be complementary practice.

The integration of nurse practitioners into the underserved area program provides for a greater use of other primary health professionals and promotes access to primary health care in rural and northern communities. Nurse practitioners will function as part of a multidisciplinary team, in collaboration with other health care providers, including physicians. The adoption of this resolution will start this process.

I urge my colleagues to support this initiative and further assist northern and rural communities in their efforts to provide equitable and adequate health care to the residents of Ontario.

**Mr Michael Gravelle (Port Arthur):** I'm glad to have an opportunity to speak on the resolution by the member for Niagara South and also to comment on the comments by the member for Bruce. What we're hearing is the value of nurse practitioners and how important they are, yet we have a resolution that in some ways is almost insulting.

We have a government here — the member for Niagara South is parliamentary assistant to the Minister of Health — that after much delay actually has put through legislation supported by all members of the Legislature that we put the nurse practitioners act in place. We did that. We have a Minister of Health who has announced that there's \$5 million to be accessed for nurse practitioners, but no way to access the actual funding. We have a preamble in the resolution which I think is a problem as well, to put it politely, where the member talks about enhanced funding for recruitment and retention of physicians. We have had a three-year program of over \$100 million to help recruit and retrain health care professionals in northern and rural Ontario, but almost no money of that has been spent: \$3 million or \$4 million of the \$100 million that was committed. So it's difficult to take him seriously when we have a resolution such as this which suggests that we should be supporting nurse practitioners, having them integrated into the underserved area program when the funds that have been allocated are not accessible by the nurse practitioners.

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The member for Bruce I think explained very well the value and the importance of nurse practitioners. Yet, what we have is a government that is basically doing everything they can to slow the process down. We know the minister in the House on September 29 said that she was ready to make an announcement, that the funding was going to be announced very soon. They announced the funding in the

May 1998 budget: \$5 million. The minister has confirmed that she's going to make her announcement, yet they've held off releasing that funding. As we know, an announcement of funds doesn't mean very much with this government because it's taken a very long time for that to be accessed.

I absolutely believe that the value of nurse practitioners in my part of the province cannot be overstated. I have worked very closely with the nurse practitioners in the Thunder Bay area to try and help move this process forward. We need to use today's opportunity — if we're grateful for anything, it's for the opportunity — to at least try and pressure this government to really move forward. This resolution will not in any great fashion improve the situation unless the government is absolutely serious about providing the funding which they've said they are going to provide.

The member for Niagara South knows that; the member for Bruce, who just spoke, knows that. What they should be doing is pressuring the minister to release the funding. Nurse practitioners are providing an extraordinarily important service. Right now, we have over 50 nurse practitioners in northern Ontario who are not working. We've got to find a way to access those funds, to use their services, to continue to fight on behalf of all of them and make sure that this government finally listens and releases the funding and lets them get to work.

**Mr Blain K. Morin (Nickel Belt):** It's indeed a privilege to rise in the House today and get to speak on such an important issue as it affects my northern rural riding of Nickel Belt, particularly around the value of nurse practitioners.

In Nickel Belt, being such a vast riding where we have rural communities such as Foleyet, Gogama, Shining Tree, it becomes especially important to fund nurse practitioners when we look at those remote rural communities which depend on the nurse care practitioners and nurse practitioners to meet those needs. An example of this is when we start looking geographically at a centre such as Gogama, where it takes the constituents of my riding two hours to receive emergency treatment at the nearest hospital, which is in Timmins, or another two and a half hours to get into Sudbury to receive emergency treatment. Therefore, nurse practitioners become more of a value than ever, especially in northern communities.

I would like to start by saying that nurse practitioners have written; on September 19 in the Sudbury Star, and in the by-election in Nickel Belt, they asked us to continue putting pressure on the government to expand the use of nurse practitioners to alleviate the underserved problems in northern Ontario. The government announced \$5 million for community nursing, nurse practitioners, in provincially funded settings in the budget. None of that money was spent. That has created a real crisis in my community.

The nurse practitioners who wrote the original letter were Marilyn Butcher, Monique Richer, Ann Palomar, Joanne Przystawka, Roger Pilon, Annette Hoop, Brenda Taylor, Karen Hourtovenko and Claire Warren. The important thing to remember, and one of the beefs that the

nurse care practitioners have about being underutilized, is that the nurse practitioners association estimates that there are 50 qualified nurse practitioners in underserved areas in northern Ontario who are either unemployed or underemployed because of the limits on their ability to be paid.

That's quite serious when we're dealing with northern rural areas. We're not talking about building a new arena. We're talking about the basic right of people in Ontario to receive health care. It's health care, and that's what we need to do in those rural northern areas. We have to release the funding. It's great for this government to continue opening and making announcements on funding and spending, but you actually have to start spending the money. The lives of people in Gogama, Foleyet and Sultan depend on it. Their lives depend on it.

Last year, the government committed \$36.4 million for global funding of group practices in underserved areas, which could include nurse practitioners. So far, only \$4 million of that \$36 million has been spent. In May, the government announced its primary care reform, which consisted of five pilot projects for rostering and capital funding. The reform is extremely limited and does not address the issue of remuneration for health care professionals and other family physicians.

I ask the government to release that funding and help me service our constituents with the basic rights of health care.

**Mrs Julia Munro (Durham-York):** I'm pleased to be able to rise this morning to speak on Mr Hudak's private member's resolution calling for the government to improve and enhance the underserved area program to support the recruitment of health care professionals to small-town Ontario.

Hospitals in my riding of Durham-York continue to face significant growth pressures of at least twice the provincial average.

I've had a number of meetings with constituents in my riding where they have raised their concerns about funding for our hospitals and the very real problem of attracting doctors to the more remote areas. When I say "remote areas," I'm not talking about communities which are hours of driving time from each other. My riding is considered part of the 905 GTA, and while this might not appear to be particularly isolated, it has special problems that are addressed by this member's resolution.

We're talking about areas such as Mount Albert, no more than hour from downtown Toronto, or Sunderland, which is no more than an hour and a half from Toronto. You would question why a physician would hesitate to set up a practice in one of these areas, which naturally I believe to be one of the most beautiful areas in Ontario. With Lake Simcoe close by, I suggest that these areas are perfect places to live, work, raise a family or, for that matter, retire.

The rural and northern framework was developed in recognition of the importance of ensuring access to health care services for residents of rural and northern mun-

icipalities. It was the first step in addressing the health care needs of small-town Ontario.

Naturally I question why it is so hard to attract qualified health care professionals to areas within my riding.

I know for a fact that Sunderland in Brock township has worked very hard to create a package that is very attractive. They have been working in this area for years. This is not a new issue. Mount Albert is also in constant contact with my office regarding their difficulties in trying to replace Dr Charles Bill, who has provided medical services to the residents of this area for many years and has finally taken his long-awaited full retirement. I am aware that the municipality and Mrs Peggy Bill have gone to considerable lengths with the district health council, PAIRO and the College of Physicians and Surgeons to find a replacement for Dr Bill.

There is significant concern surrounding this issue. York region is expanding rapidly, and the lack of access to public transit in the area makes it extremely difficult for residents to travel to Newmarket for medical services.

This government recognizes the special and unique workload and responsibilities of physicians practising in northern and rural areas. Health care professionals hesitate to set up a practice in small-town rural areas because it usually means working long hours and working nights, weekends and holidays. But there are solutions to these problems.

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More and more, we recognize the need to provide a variety of health care services, integrated in such a way as to allow people to move from one health care provider to another, along with a history of their records. This would allow patients to get involved in their own wellness and their own care.

One solution is to hire a nurse practitioner. As part of a new health care initiative, the Ontario government announced a plan for the education and employment of nurse practitioners in primary care. In February 1998, the Minister of Health welcomed proclamation of the Expanded Nursing Services for Patients Act, legislation that solidifies the role of nurse practitioners. This act will improve access to health services for Ontarians, particularly community-based health services.

Nurse practitioners focus on giving people the information, care, advice and support they need to be healthier, prevent illness and injury and to make the best choices with regard to their own health care.

These qualified individuals have the training and qualifications to take a more active role, alleviating some of the pressures put on the physician. The physician would then be able to focus on treating the patient.

It's really important to recognize the importance of this resolution. It recognizes the growth, it recognizes the long-standing issue of underserved areas and it recognizes the initiatives that have already been put in place by this government through the framework for rural and northern health services and the legislation for nurse practitioners. It's a testament to the ongoing support of



this government to matching needs of the community with health care.

This resolution serves to focus on our continuing commitment to provide health care for all Ontarians.

**Mr Pat Hoy (Essex-Kent):** The doctor shortages are a matter of grave importance. I've received thousands of calls and letters begging for meaningful incentives to attract doctors to underserved communities.

When I was elected, I sent a letter to Jim Wilson, urging him to take action on the doctor shortage problem and the UAP application of the village of Thamesville. We spent many hours with the UAP office. I asked Minister Witmer repeatedly why it had not been approved. Quite frankly, the government's own bureaucrats were embarrassed by the interference coming out of the minister's office and the blatant, partisan, political influence that was used to block it.

Finally, in 1998, after open letters to the press, the approval was announced, but it was a matter of shame to the government how that announcement was made. I was not notified, and Doris Swain of the Thamesville committee was not notified. The announcement was made by Jack Carroll, the government member from Chatham, who does not represent Thamesville, who had never met Doris Swain and who never worked on the application. This is the kind of blatant political action of the Harris government, and I say shame.

Shame, Minister. Your government has done nothing to introduce meaningful incentives, and that is the key: incentives, not a big stick, not punitive measures.

I held four public meetings in my riding on doctor shortages. I met with local doctors struggling with enormous caseloads. I sent both ministers of health ideas from the local medical community and the public. I have asked for the freeze on CHCs to be lifted. They can and should be part of the solution in underserved areas.

The town of Tilbury has had a DHC-approved application waiting since the Tories announced the freeze in 1995. I have asked for funding for nurse practitioners to help doctors like Dr Button, Dr Klein and Dr Clendenning in my riding. I have asked for a pilot project that would pay for young doctors and nurse practitioners to rotate through designated UAP communities in my area. The government's emergency care pilot project does nothing to help rural doctors. But we get no response and we certainly get no action from the Harris government.

Dr John Button is one of those valiant county doctors, and a country doctor at that, in my riding who is struggling to provide quality medical care in the village of Ridgetown and beyond. When the government passed Bill 197, Dr Button called me immediately to ask how he could hire a nurse practitioner. He was bitterly disappointed when he discovered that there was no funding mechanism for nurse practitioners. Dr Button has 7,000 patients. That's correct — 7,000 patients. Dr Button has told me that we are 300 doctors short in southwestern Ontario. He says there are 300 underutilized nurse practitioners waiting to help. Why is the Harris government introducing a private member's resolution?

Why haven't you already made this law? Why aren't nurse practitioners already working to help solve this emergency? All of us in this House understand where a private member's resolution will go. Even with the full endorsement of the legislature, we in the opposition are limited to private members' bills, but the government can introduce whatever legislation it wants. Yet Mike Harris has refused to address the critical problem of doctor shortages.

I understand and appreciate the stand taken by PAIRO in not supporting this resolution. They cannot stomach its arrogance and misleading language, the part that talks about the government's leadership — leadership that has been totally absent on this problem since the Tories took office, and now with this gutless attempt to address funding for nurse practitioners. I'm going to hold my nose and vote for the resolution, because it is the only pitiful response from the members opposite.

I'm going to read a statement that I made in the Legislature in May 1998. It refers briefly to hepatitis C patients in Ontario who cannot get the drugs or programs they need without the bureaucratic delays this government is famous for, unless they qualify for the Ontario drug benefit program or the Trillium drug benefit plan. That leaves a lot of people out.

"I am delighted by the Premier's dramatic flip-flop on hepatitis C. I have many constituents," who need justice. "The Premier has finally learned that he is vulnerable. Self-interest," and the Dionnes, have "taught him how to do the right thing.

"I'm calling on the Premier to do the right thing for rural and northern communities which are seriously short of physicians.... A year and a half ago, the Premier pledged \$36.4 million per year for three years. That money has not been spent." It sounds familiar. "The quality of health care...is being threatened by the lack of doctors.

"Keep your promise, Premier.... Find the money in your budget," to fund nurse practitioners. "Lift the freeze on community health care funding.... Find the money... Premier. We need doctors now."

**Mr Derwyn Shea (High Park-Swansea):** I am pleased to rise and speak on behalf of this resolution, but I would like to preface my comments by indicating that I do associate myself with many of the comments raised by the member for Sudbury East. I think she represented a point of view which many of us in the House can share, regardless of party affiliation. Certainly for my part I recognize the importance of the nurse practitioner legislation that was approved by this House. I'm pleased that the midwife legislation went through before and I applaud that. I'd now like to see that vision of health care expanded, and I think the member is beginning to try to move this House in that direction. I would hope it would reflect an attitude among the ministry that there's a need to begin to see the enhancement of interprofessional co-operation across the province.

I represent a riding in the city of Toronto. We have access to 911. In the case of a heart attack, for example,

there's a three-tiered response: ambulance within seven minutes, the police and the fire departments. Frankly, in large parts of our province there is not a 911. There isn't a three-tiered response. One would be pleased if there was a one-tiered response.

We have some interprofessional debates going on between medicine and nursing. I think much of that is beginning to be dissipated, particularly with the new members of the profession, both in nursing and in medicine. But we're going to have to deal with those structural differences. We're going to have to come to grips with the issues of who controls whom, and get past all of that to recognize there is collegiality. There has to be co-operation in the provision of services and that has to be effective.

Part of that, I have to say, involves billing rights. We talk about the nurse practitioners being seen in the pay scale of \$60,000 to \$80,000 per year. I want to tell the parliamentary assistant that to my knowledge there is not yet at this point one nurse practitioner in this province currently at that level. Those particularly being hired by MDs are not at that level, and that's not good enough. We have to begin to break that mould, and we have to begin to ensure that those nurse practitioners are beginning to get out into the field and are beginning to access the people desperately in need.

Frankly, if you don't have an MD — take a look yourself, Mr Speaker, at the scope of operations that nurse practitioners can now perform. We would be able to take tremendous burdens off the health care system, not only in the rural areas but, I put it to you, in the urban areas as well, where hospital emergency rooms are overstretched, where our MD offices are overtaxed. The fact is nurse practitioners, dare I say doing home visits, might very well begin to bring us back to the kind of health care system we truly and desperately want.

In spite of all the financial cuts we've faced from all levels of government, let's get past that and begin to develop a vision of health care that serves the people of this province. I think this resolution begins to move us beyond where we were a year or so ago and I hope the parliamentary assistant is reflecting the new nuances within his ministry that would give us some hope. I am pleased that he has brought it forward and I am pleased to support it.

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**Mrs Sandra Papatello (Windsor-Sandwich):** Let me say at the outset that I will be voting in favour of this resolution. Nonetheless, I still find it galling to listen to the kind of propaganda that has to precede an issue that is so serious for the majority of Ontario. Most of Ontario is underserved. If we look at the map of Ontario, the bulk of Ontario is underserved.

What surprises me as well is that the member who is advancing this resolution, as part of his job of being interested in this issue, has not applied for the underserved designation in his own region. I find it interesting that you haven't applied for the designation in the area of Niagara. There will be a report out soon that will show clearly that

this area of Niagara South, and the whole region of Niagara, is one of the most short of doctors in all of Ontario. To me, that says that the program itself does not have the value that the government, when it chooses to, wants to put the emphasis on in the underserved designation.

I remember very well, the first year we were in this House, we could not bring forward the issue of doctor shortages without the minister saying, "You haven't even applied for the program." So we went through the hoops. We went through the bureaucracy and the administration required to fill in an application form; interestingly enough, a northern and rural application form for under-service. We come from Windsor, which is hardly northern and certainly not that rural, so it was quite interesting that there was no program for us as a mid-sized city in Ontario, but we applied nonetheless.

As the member for Essex-Kent also mentioned, the politicizing of this process was incredible. The minister himself waited until we held a town hall in Windsor at an emergency room that was closing, to announce that we got our designation for being underserved. When we followed up with bureaucrats the Monday following, none of the bureaucrats in the system was aware that a designation had even been given to Windsor. The minister just chose to politicize that, throwing a bit of a bone: "Here it is. Here's your underserved designation."

Unfortunately that was in 1996. Now here in Windsor in 1998 we have fewer doctors than we had in 1996, and that's after the designation. That speaks, members of the House, to the value of the program. We question, why force us to apply to a program that doesn't seem to have worked in all of the other areas where it has been designated? We still have chronic problems of doctor shortages.

Is the nurse practitioner the answer? I believe that is an integral part of the answer, and every member of the House, regardless of party, is supporting the concept of allowing nurse practitioners to play a greater role in primary care. Isn't that great? All the nurse practitioners may be listening today. Isn't it nice that we're having a love-in at Queen's Park today for nurse practitioners? The irony is not lost on this group, the irony that this is the same government that in the May 1998 budget set aside \$5 million and never spent a dime.

**Mrs Marion Boyd (London Centre):** I share the indignation of my colleague from Windsor-Sandwich. Obviously the words of the resolution itself urging the government to act to "improve and expand the underserved area program" to include nurse practitioners is something we support. There's no question about that. But how can we possibly allow this to go unremarked, that the parliamentary assistant has brought forward a resolution that clearly has been turned down by ministers of health, turned down by the Ministry of Health. I would like to interpret it as the parliamentary assistant attempting to move things along, as the member for High Park-Swansea suggested, but I suspect it's more window dressing.



One of the reasons I suspect it's more window dressing is the "whereases" that accompany this resolution. The first "whereas" indicating that the "government has shown leadership" in resolving some of these problems is absolutely disgusting. The rural and northern framework for which the member praises the government didn't come about as a prerequisite for looking at hospital restructuring. The rural and northern framework was an afterthought when it became very clear that the restructuring commission's benchmarks were going to close dozens of small hospitals and the political warning sign went up and the government said, "Oh, oh, we didn't expect to do this," and then they scrambled to come up with the rural and northern framework.

That rural and northern framework is not yet in place. The framework was publicized and then handed over to the district health councils to apply, but the district health councils of course have been completely restructured themselves, covering huge areas of the province for each one and with very little capacity to make the judgments that are required to put the rural and northern framework into place in a good health planning way.

Second, this is a government that signed an agreement with the Ontario Medical Association that restricted severely the ability of the government to form alternative payment plans for physicians. For the whole course of that agreement it made it impossible to take dollars out of the OHIP pool that was there for fee-for-service for physicians and move them into alternative payment plans, and it's quite clear that they agreed with the doctors' union to restrict that because the doctors' union is well aware that physicians who are attempting to practise primary care in this province understand that there needs to be a different way of paying physicians, a different way of enabling them to co-operate with partners like nurse practitioners. It isn't there under the fee-for-service system and that whole issue needs to be done.

The member is also well aware that the global group practice which could have provided some of the answers in rural areas, not just in northern areas but in rural areas, as PAIRO has suggested, is not real because the government will not allow sufficient numbers of physicians to look after the patients for 24 hours a day, seven days a week, without physicians being on call every weekend, most evenings, not being able to get away on vacation, not being able to do education.

As far as the nurse practitioners go, I would like to think that the parliamentary assistant thinks he can move the ministry and the minister, but the nurse practitioners my colleague from Nickel Belt mentioned met recently with Sheila Rene of the Ministry of Health and they raised this issue about payment for nurse practitioners and the officials in the Ministry of Health made it quite clear that the nurse practitioners would not fit into the underserved area program — very clear. In addition to the Ministry of Health saying: "No, we don't have any intention to increase the community health centres. We don't have any intention to introduce fee-for-service for nurse practitioners. We don't allow sufficient money to have them in

global group practices," now we hear that the Ministry of Health is totally opposed to this resolution. What does it mean? It's window dressing.

**The Acting Speaker:** Mr Hudak, you have two minutes to reply.

**Mr Hudak:** I thank my colleagues for their comments. Just to put this whole thing in perspective and stepping aside from the partisan rhetoric, for 30 years the UAP has been around. We had the Peterson-McGuinty government which did nothing to change the program.

**Interjection:** Who?

**Mr Hudak:** They're trying to forget the Peterson-McGuinty government, but it's going to be around to haunt them for some time. We had the Rae-Martel-Boyd government that did nothing to improve underserved areas. Finally, we elected a government that has taken leadership on this issue and is bringing about important changes. In the last six months alone, 34 GPs have been recruited to underserved areas across the province. In Port Colborne, I hope — very good news soon — to attract a new doctor. Jeff Remington has done an excellent job there. Mayor Badawey is going to Ottawa to try to get some doctors for that area. There have been successes, and I'm just adding one more idea to that array.

I brought this forward to put forward an idea for change for some thoughtful debate in the House. I will from time to time get some thoughtful response from the third party, but I have to tell you that the comments I received from the Liberal Party are so disappointing, just so typical. At some time, there must have been a brain debt in policy in that party. I did not hear one good idea. The member for Windsor-Sandwich says that Niagara hasn't applied and I somehow — I brought the package to the Port Colborne hospital. I pushed for that. The reason they haven't applied is because they're going to do it as a region, or something to that effect, which I've been helping with in my job. Once again, Windsor-Sandwich, long on mouth, long on criticism, very short on research. I think she should try to do her homework.

It's disappointing to see the opposition party simply sit and dissemble, trying to take a Jerry Springer approach to politics. If they want to continue as some sort of new age rat pack, then I think they're going to languish as the opposition party for some time to come. I beg of them, one time, please, from you guys, one good idea. This is the party of change, here to fix government. It's the party that's going to bring about that change for small-town Ontario.

#### MUNICIPAL RESTRUCTURING

**The Acting Speaker (Mr Gilles E. Morin):** We will deal first with ballot item number 27, standing in the name of Mr Christopherson.

Mr Christopherson has moved private member's notice of motion number 24.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.  
Thank you. Take your seats.

### RURAL AND NORTHERN HEALTH SERVICES

**The Acting Speaker (Mr Gilles E. Morin):** We will now deal with ballot item number 28, standing in the name of Mr Hudak.

Mr Hudak has moved private member's notice of motion number 22.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1202 to 1207.*

### MUNICIPAL RESTRUCTURING

**The Acting Speaker (Mr Gilles E. Morin):** All those in favour of the motion will please rise and remain standing.

#### Ayes

Agostino, Dominic  
Bisson, Gilles  
Boyd, Marion  
Caplan, David  
Christopherson, David  
Churley, Marilyn  
Colle, Mike  
Conway, Sean G.  
Curling, Alvin

Gerretsen, John  
Grandmaître, Bernard  
Gravelle, Michael  
Hoy, Pat  
Kwinter, Monte  
Lankin, Frances  
Lessard, Wayne  
Marchese, Rosario  
Martel, Shelley

Martin, Tony  
Morin, Blain K.  
Patten, Richard  
Phillips, Gerry  
Pupatello, Sandra  
Ruprecht, Tony  
Siipo, Tony  
Wildman, Bud

**The Acting Speaker:** All those opposed will please rise and remain standing.

#### Nays

Arnott, Ted  
Baird, John R.  
Beaubien, Marcel  
Boushy, Dave  
Carroll, Jack  
Chudleigh, Ted  
Danford, Harry  
Doyle, Ed  
Elliott, Brenda  
Fisher, Barbara  
Ford, Douglas B.  
Fox, Gary  
Galt, Doug  
Gilchrist, Steve

Grimmett, Bill  
Hardeman, Ernie  
Hastings, John  
Hudak, Tim  
Johnson, Bert  
Jordan, W. Leo  
Kells, Morley  
Leadston, Gary L.  
Martiniuk, Gerry  
Munro, Julia  
Newman, Dan  
O'Toole, John  
Parker, John L.  
Pettit, Trevor

Preston, Peter  
Rollins, E.J. Douglas  
Ross, Lillian  
Hudak, Derwyn  
Sheehan, Frank  
Skanca, Toni  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Tilson, David  
Tumbull, David  
Wood, Bob  
Young, Terence H.

**The Acting Speaker:** Order. The members ion the gallery, please take your seats.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 26; the nays are 41.

**The Acting Speaker:** I declare the motion lost. The doors will now be open for 30 seconds.

### RURAL AND NORTHERN HEALTH SERVICES

**The Acting Speaker (Mr Gilles E. Morin):** All those in favour of the motion will please rise and remain standing.

#### Ayes

Agostino, Dominic  
Arnott, Ted  
Baird, John R.  
Beaubien, Marcel  
Bisson, Gilles  
Boushy, Dave  
Boyd, Marion  
Carroll, Jack  
Christopherson, David  
Chudleigh, Ted  
Churley, Marilyn  
Colle, Mike  
Conway, Sean G.  
Curling, Alvin  
Danford, Harry  
Doyle, Ed  
Elliott, Brenda  
Fisher, Barbara  
Ford, Douglas B.  
Fox, Gary  
Galt, Doug

Gerretsen, John  
Gilchrist, Steve  
Grandmaître, Bernard  
Gravelle, Michael  
Grimmett, Bill  
Hardeman, Ernie  
Hastings, John  
Hoy, Pat  
Hudak, Tim  
Johnson, Bert  
Jordan, W. Leo  
Kells, Morley  
Lankin, Frances  
Leadston, Gary L.  
Lessard, Wayne  
Marchese, Rosario  
Martel, Shelley  
Martin, Tony  
Martiniuk, Gerry  
Morin, Blain K.  
Munro, Julia

Newman, Dan  
O'Toole, John  
Parker, John L.  
Patten, Richard  
Pettit, Trevor  
Phillips, Gerry  
Preston, Peter  
Pupatello, Sandra  
Rollins, E.J. Douglas  
Ross, Lillian  
Ruprecht, Tony  
Shea, Derwyn  
Sheehan, Frank  
Siipo, Tony  
Skanca, Toni  
Spina, Joseph  
Stewart, R. Gary  
Tilson, David  
Tumbull, David  
Wood, Bob  
Young, Terence H.

**The Acting Speaker:** All those opposed will please rise and remain standing.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 63; the nays are 0.

**The Acting Speaker:** I declare the motion carried.

All matters relating to private members' public business having been completed, I will now leave the chair and the House will resume at 1:30 pm.

*The House recessed from 1214 to 1332.*

### MEMBERS' STATEMENTS

#### DENTAL HYGIENE WEEK

**Mr Gerard Kennedy (York South):** I am delighted to stand today to announce Dental Hygiene Week, which began on October 18 and runs through to the end of this week.

Dental hygiene is an important contributor to overall health, oral care in particular. There are some facts we would like to relay on behalf of the dental hygiene profession:

Oral bacteria causes about 10% of community-acquired pneumonia and 25% of hospital-acquired pneumonia;

Patients with periodontal disease have 150% to 200% greater risk of incurring fatal heart disease than patients without periodontal disease;

Those with periodontal disease suffer strokes twice as often as those with good oral health; and

While diabetes can lead to periodontal disease, seven out of nine diabetics who are successfully treated for gum disease reduce their need for insulin.



A dental hygienist's job is to prevent gum disease and tooth decay. With each visit to your dental hygienist, you are contributing to your overall health. Dental hygienists are not just teeth cleaners; they also assess, plan and implement treatments and evaluate individual oral care needs.

Currently there are 6,000 dental hygienists practising in Ontario. This makes dental hygiene one of the largest of the regulated health professions. As we begin Dental Hygiene Week, it's important to acknowledge the vital role they play in our health care system. It's extremely important to recognize this underrated profession in the context of the whole health care system that we have to have in our purview. We wish great success to dental hygienists as they work this week to make people aware of the contribution they make.

### SERVICES EN FRANÇAIS

**M. Gilles Bisson (Cochrane-Sud):** Encore une victoire de la part du caucus NPD.

On sait que les trois derniers ans, le gouvernement conservateur a beaucoup de reprises a commencé à éroder les droits des francophones quand on transfère des services aux municipalités. Vous savez que, à beaucoup de reprises, on a eu des amendements dans cette Chambre, et même mon projet de loi 17, pour essayer d'éviter ce transfert de services et de protéger les services pour les francophones quand ça vient aux droits linguistiques.

Vous savez aussi, en ce qui concerne la Loi 12, dont on vient juste de faire les débats au comité, qu'on avait demandé un amendement garantissant les droits linguistiques. Le gouvernement n'est pas allé aussi loin qu'on aurait voulu. Ils ne nous ont pas donné une garantie législative, mais il faut dire qu'ils nous ont donné une manière de garantie avec les mots du ministre dans une lettre qu'il m'a donnée, que j'aimerais lire :

«D'une façon semblable, j'ai l'intention de maintenir les services bilingues, lorsque les circonstances l'imposent, au moyen de l'arrêté de l'établissement d'une Régie régionale des services publics... Évidemment, une considération particulière sera de mise dans les milieux où la population recevait déjà des services en français, en vertu de la Loi des services en français.» Et la ligne dont on est contents : «Nous nous assurerions, au moyen de l'arrêté du ministre, que les services fournis à la collectivité francophone avant la formation d'une Régie régionale continuent.»

On est fiers, Blain Morin et d'autres néo-démocrates, d'avoir eu cette garantie, et on continue la lutte pour les communautés francophones.

### COMMUNITIES IN BLOOM

**Mr John Hastings (Etobicoke-Rexdale):** I'd like to rise today to inform the House about an important event celebrating the beauty of the city of Etobicoke in the new city of Toronto which occurred last month. It involved a celebration of the national Communities in Bloom com-

petition, for which Etobicoke-York was awarded the distinction of being the most beautiful community of its size in Canada.

Advisory board chairperson Fiona Campbell, co-chairperson Barbara Clarke, and the parks and forestry division of the city of Toronto representative, Murray Cameron, received this honourable distinction on September 26 at the national awards ceremonies in Winnipeg.

This friendly competition involved municipalities which are undergoing beautification and naturalization projects. The communities were judged on their effort in management planning, maintenance, improvement and innovation in tidiness, environment, history, heritage, urban forestry and the like.

What makes this award so significant is that it attests to the spirit of environmental restoration and volunteerism within our community. People from all walks of life joined together to make the community of Etobicoke-York the most desirable community in which to live.

In celebration of Etobicoke-York's and the city of Toronto's latest award, the committee plans to plant 2,000 trees along Highway 427 in the year 1999 for the Millennium Project.

This is the award they won that day.

### LONG-TERM CARE

**Mr Michael Gravelle (Port Arthur):** While the Minister of Long-Term Care pathetically scrambles to announce the opening of more long-term-care beds throughout the province, I want to use this opportunity to ask him to recognize and deal with a situation in Thunder Bay that, if he does the right thing, will move all of us a step closer to meeting this growing need.

The facts are straightforward. In April of last year, the hospital restructuring commission closed down Hogarth Westmount Hospital in Thunder Bay and asked the St Joseph's Care Group to take over responsibility for the long-term-care needs of those people who had been resident there. However, within a relatively short period of time, the Ministry of Health recognized that this move was wrong, as there were not enough beds to accommodate those people at Hogarth Westmount.

The solution: As bizarre as it may seem, the ministry authorized the reopening of 127 beds at Westmount under the auspices of St Joseph's Care. The problem is that the ministry only authorized this reopening on a temporary basis, almost as if they felt the need was going to go away.

The minister knows, as does the Premier, that there is an overwhelming need for more long-term-care beds in our community and that people there have nowhere else to go. These beds must be funded on a permanent basis. Not to do so will continue to cause a great deal of anxiety among the patients, as well as the staff who care for them.

Minister, I'm calling on you today to permanently fund these long-term-care beds in my community. By the stroke of a pen, you can improve the health care situation in Thunder Bay and, in doing so, allow St Joseph's Care

Group to do the huge job they have agreed to take on in our community.

**Mrs Marion Boyd (London Centre):** Yesterday, the Minister of Long-Term Care suggested that New Democrats somehow opposed the change to the standards on long-term care in terms of patients who have been in chronic care hospitals moving to a more residential centre. He tried to suggest that we had done nothing to forward that dream.

In fact, we did a number of things, and I'll give you a very good example. The Perley-Rideau home in Ottawa was one of those projects that we undertook. It brought together three different long-term-care facilities under one roof. It was to be a long-term-care facility to be operated as a red-circled long-term-care facility. It included both very complex care and less complex care in a residential setting, with congregate dining and all of the recreational and activation kinds of activities that he talked about yesterday.

And what did this government do? This government reneged on the funding agreement for that facility. It reneged in 1996 on that funding agreement, said there were no longer such things as red-circled long-term-care facilities, so the Perley-Rideau home is going to have its funding reduced by 50% within the seven years. They cannot offer the standard of care that they promised to Veterans Affairs Canada or to the patients they serve.

1340

#### MEMBER FOR EGLINTON

**Mr Derwyn Shea (High Park-Swansea):** On Tuesday evening I had the pleasure of attending a reception honouring our colleague, the member for Eglinton, Bill Saunderson, who is this year's recipient of the Institute of Chartered Accountants of Ontario award of outstanding merit. The award is the highest honour that the institute confers upon its members. It's reserved for those whose outstanding service to the CA profession and to the broader community has been conspicuous and sustained.

Throughout a career spanning some 37 years, Bill has served his profession and the broader community with distinction as an institute volunteer, an outstanding business leader, a community volunteer and a philanthropist, and most recently, a member of the Ontario Legislature.

Bill began his career with the Clarkson Gordon firm, now Ernst and Young. He moved to the financial services industry and he became a founding partner and senior executive of the highly regarded Sceptre Investment Counsel Ltd.

Since being elected MPP for Eglinton in 1995, Bill has served as Minister of Economic Development, Trade and Tourism and is a member of the policy and priorities board. He currently chairs the Ontario International Trade Corp. Complementing the leadership that Bill has brought to business and politics, his volunteer fund-raising and other leadership contributions to education, health care, the arts, sports organizations and the Anglican Church are truly outstanding.

In 1994, the University of Ottawa presented him with an honorary doctorate in recognition of a lengthy career, as remarkable for its philanthropy as for its accomplishments.

His volunteerism and philanthropy have over the years benefited hospitals, the arts, including the TSO foundation, sports, and youth activities, including the Canadian Amateur Rowing Association and Scouts Canada.

#### HOSPITAL FUNDING

**Mrs Sandra Pupatello (Windsor-Sandwich):** I think it's time we looked to where the blame really should lie in this mess that we have in Ontario hospitals right across the board. The government suddenly is going on a cheque spree and photo op spree and has the audacity at a Tory convention to say, "We are not the government; we are here to fix the government."

Let me tell you that the following pages — this is the contract, this is the bureaucracy and the paperwork that this government created, just based on short-term, interim, band-aid fixes for the hospital ER crisis in Ontario.

Here's what you said to hospitals: one-time transitional funding to be offset by the increased emergency room patient volumes. Why do we have the patient volumes? Because you cut hospital budgets and you did that without investing in community services that needed to exist before you cut the services from hospitals.

You have the audacity to write to a hospital and say that you have to have a decrease of 30% of redirect from different emergency rooms in an area. Are you going to ensure that 30% of the long-term-care beds are up and running in that same period of time? In fact, you dare them, because if they don't do it, you will subject them to an operational review. That is your bureaucracy and that is new to this government.

#### HIGHWAY SIGNS

**Mr Bud Wildman (Algoma):** Yesterday I made a statement in this House after my friend from Cochrane South had also made one of a similar nature. We were objecting to the Ministry of Transportation's exorbitantly high new rates for signs along highways in the province, particularly the Trans-Canada Highway, as well as secondary highways for 1998.

On the Trans-Canada Highway, rates increased from \$110 last year to \$350 this year, an increase of over 300%. I pointed out yesterday that this is nothing but a money grab by the Conservative government. I demanded that the new fee structure be rescinded and the government revert to last year's more reasonable rate.

This morning I was informed by Doug Peeling, senior policy adviser in the ministry, that late yesterday afternoon the minister, the Honourable Tony Clement, rescinded the fee increases and reinstated the former rates. It appears that the minister has listened to the business people who objected and to our request, and I must



congratulate him for listening and showing some good sense for once.

Now if only the government would rescind all the other user fee increases they brought in since they came into power; if only they would eliminate the user fee for drugs for seniors; if only the Minister of Health and other ministers in this government would listen to the objections we raise the way the Minister of Transportation did.

### INDUSTRY EDUCATION COUNCIL

**Mrs Lillian Ross (Hamilton West):** I'm pleased to rise today to inform the House of an event I attended yesterday morning. It was the fourth annual Industry Education Council breakfast in Hamilton, and more than 600 people attended that event.

The Industry Education Council is a unique partnership between industry and education that focuses on the negative perception often given to the trades profession. At that seminar yesterday, one of the keynote speakers said that a good sign she has seen provincially is that youth apprenticeship program money has been quadrupled lately, to allow a doubling of the number of participating students. She sees that there's an urgent need to address the critical shortage of trades professions and that we are working towards that.

Also at that breakfast meeting, the Hamilton Spectator awarded two awards to outstanding teachers who have contributed to their community in various ways. I'm pleased to say that Terri MacDonald of St Jean de Brebeuf Secondary School was recognized for her work with Wilma's Place, and David Dayler of Westdale Secondary School won for his volunteer work with the trauma provincial council. Thank goodness for those people and those hard-working teachers.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr John O'Toole (Durham East):** I beg leave to present a report from the standing committee on general government and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill as amended:

Bill 12, An Act to provide choice and flexibility to Northern Residents in the establishment of service delivery mechanisms that recognize the unique circumstances of Northern Ontario and to allow increased efficiency and accountability in Area-wide Service Delivery / *Projet de loi 12, Loi visant à offrir aux résidents du Nord plus de choix et de souplesse dans la mise en place de mécanismes de prestation des services qui tiennent compte de la situation unique du Nord de l'Ontario et à permettre l'accroissement de l'efficacité et*

*de la responsabilité en ce qui concerne la prestation des services à l'échelle régionale.*

**The Speaker (Hon Chris Stockwell):** Shall the report be received and adopted? Agreed. The bill is therefore ordered for third reading.

### MOTIONS

#### COMMITTEE SITTINGS

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** Mr Speaker, I believe we have unanimous consent to move a motion without notice with respect to the standing committee on general government and Bill 38, the Condominium Act.

**The Speaker (Hon Chris Stockwell):** Agreed? Agreed.

**Hon Mr Sterling:** I move that the standing committee on general government be authorized to meet for two days outside of its regularly scheduled meeting times, but not during routine proceedings, for the purpose of considering Bill 38, An Act to revise the law relating to condominium corporations, to amend the Ontario New Home Warranties Plan Act and to make other related amendments.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

1350

### ORAL QUESTIONS

#### PROPERTY TAXATION

**Mr Gerry Phillips (Scarborough-Agincourt):** My question, in the absence of the Minister of Finance, is to the Chair of Management Board. It has to do with the chaos we're seeing in property taxes right now across the province. Everybody told you, when you brought this system in, that it was going to drive up the taxes on small business. You deliberately cut \$300 million of property taxes off big business. Banks and big retailers like Wal-Mart and Home Depot are going to pay \$300 million less in property taxes. You said that cost would be shifted on to small business. You said that you were levelling the playing field and that's why you were cutting property taxes on big business and moving them on to small business.

I gather there's an announcement tomorrow. Have you now decided that you made a mistake in cutting property taxes on large business and shifting it on to small business?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I think the member opposite is fully aware that we've given municipalities the tools they need to ensure that it's a fair and manageable transition as we move to current value assessment, and that it's not our intent or anyone's intent to have small businesses unduly

impacted. We're disappointed that some municipalities chose not to use those tools, for a variety of reasons. What we're saying is that it's unacceptable that some small businesses in this province will be faced with those kinds of increases. We want to make sure that we protect small businesses in this province.

**Mr Phillips:** You're not protecting them; you are deliberately moving \$300 million of extra taxes on to them. You sat at the cabinet table and you participated in that decision. I repeat, the banks, the Wal-Marts, the Home Depots of the province are going to pay \$300 million less in taxes and the municipalities have got to find that revenue. By the way, you have instructed the municipalities to raise \$2.6 billion of education taxes for you. You've told them: "You go out and raise \$2.6 billion off your local businesses to pay property taxes for education. We want that money."

There are only two sources of revenue for the municipalities. You must have known this; you made the decision. They either put it on to small businesses or they put it on the homeowners, the residential people. What was the expectation by the government when you made that decision? Did you expect that the \$300 million would be picked up from small business or did you expect it to be picked up from the residential property taxpayers?

**Hon Mr Hodgson:** The member opposite clearly understands this issue. The issue is that the municipalities were given tools inside the commercial-industrial class to have tiers or groups. You clearly identified that some municipalities chose not to use those tools so they saw huge reductions in the large businesses and an increase, in lots of cases huge increases, in the small businesses. We think that's unfair. Tomorrow Minister Eves will be announcing details on the plan to protect small business in this province and to work with municipalities to make sure that that happens.

**Mr Phillips:** We'll see tomorrow a typical approach by Mike Harris. He bungles something — we saw it earlier this week when they bungled the emergency rooms in the province. Six months went by and Mike Harris never asked the question, "How are things coming?" until it exploded right in his face and we found out that the government did nothing for six months, sat on their hands while people were suffering in emergency rooms. We now find that the same thing is happening to small business. What does Mike Harris do? He does what he always does: He blames somebody else for a problem that he created.

You were told that you were going to be putting taxes on to small business. Everyone said that. "You are taking taxes off big business and putting them on small business." But Mike Harris tomorrow will go out and try and put a band-aid on a problem that he created. He will yell and blame somebody else, as he always does. He'll yell at the mayors, say, "It was your problem, your fault." He'll take a bag of money from the taxpayers and try and paper over this thing until the next election. We know all of these things. This is going to be a pattern we see from this guy from now until the election.

But my question is to you. You made the decision. Why did you decide that you would shift taxes from big

business on to small business? What rationale did you have at the cabinet table to do that?

**Hon Mr Hodgson:** I find this totally ironic coming from a member who sat during the Peterson years when they had these massive tax increases on the property owners. They brought in the commercial concentration tax. There was never any thought of the impact this was having on small business owners and on consumers across this province and what it did to drive investment out of this province.

But having said that, we were aware of the impact of having an old and outdated, unfair assessment system that everyone agreed to and no government had the courage to take on. We've consulted with groups and by consulting we were told —

*Interjection.*

**Hon Mr Hodgson:** What is the Liberal position on municipalities then and what their role is? Their role is setting the tax rate. We gave them tools to set different classes inside commercial-industrial. It's unfortunate that some chose not to, and we're offering that opportunity again.

The bottom line is that this government wants to make sure that small business owners are protected. In the budget last spring, we reduced our tax load. They are the job creators in this province, and I think it's atrocious that the Liberal Party would want to see this continue where small business owners are unduly impacted by this change.

**The Speaker (Hon Chris Stockwell):** New question, member for York South.

**Mr Gerard Kennedy (York South):** I have a question for the Minister of Health. I have been advised that she is coming, so we'll stand down.

**The Speaker:** I don't know. I should look to —

**Hon David Johnson (Minister of Education and Training):** She is coming.

**The Speaker:** She is coming? OK, we'll stand it down until the next time. Question from the third party.

## INCOME DISPARITY

**Mr Tony Silipo (Dovercourt):** My question is to the acting Premier. Minister, I want to bring to your attention today a major report that was issued by the Action Centre for Social Justice documenting the growing gap between rich and poor in Canada. It spells out very clearly how the rich are getting richer, the poor are getting poorer and the middle class is being squeezed. The report is very useful because it covers a long period, from 1973 to 1996.

I think it provides a challenge to all three parties, certainly for the next election, to talk about what we propose to do that will turn the situation, this growing gap, around.

The report, as you may know, urges more government investment in housing, health care and education; a higher minimum wage; making sure that unemployed people actually get unemployment benefits; as well as expanded pay equity and employment equity policies.



We believe as New Democrats that these steps are essential and should be financed by changes to the tax system. What do you and your party believe, Minister?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I appreciate the member's question. He's correct that all three parties should have a consensus that there should be a solution to this.

As he correctly notes, the data behind this report stretch over a period from 1973 to 1996. The solutions he offers were tried by the Liberal Party when they were in power and by the NDP, for those 10 years up until 1996.

We agree with the findings that the middle class took it on the chin under both the Liberals and the NDP. The Peterson and Rae governments hiked personal income taxes on individuals making \$25,000 by about \$290 annually. Since we've come into government, we've cut their taxes by \$510. There are a number of tax cuts for middle-income people. For people earning \$40,000, we've cut their taxes by \$1,100. Under the previous 10 years, you'd hiked them by \$630. Middle-income earners at \$50,000 saw their annual income taxes raised \$890 between 1985 and 1995; we've cut them by \$1,500.

There's much more that needs to be done to address this situation, but the bottom line is —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Silipo:** Your answer tells me that you have not understood the impact and the importance of this report. This report says very clearly that in the time you have been in government, the gap between the richest and the poorest has gotten bigger.

I draw to your attention just one of the many statistics in this report. From 1995 to 1996, the time that you got into government and were in government, the poorest 10% of families with children under 18 saw their average after-tax income drop from \$15,200 to \$13,450, a drop of \$1,800 during your time in government as a result of actions that you have taken, because of the cuts to social assistance and the beginning of implementation of your 30% income tax cut.

Minister, I'm asking you again, will you acknowledge that your actions are making things worse rather than making things better?

**Hon Mr Hodgson:** We fundamentally disagree with the opposition's approach to the solution of this problem. He talks about the data. In June 1995 your party was in power, and you're right, there was a lag time from these misguided policies which we're trying to correct.

If you take a look at the tax changes that have been made and the money that's been left in working people's pockets and in low-income families in particular, I think it's going in the right direction to try to close this gap.

If you take a look at the tax system now, it's more progressive than it was before, when you were in power. The top earners are paying more of a share of the total taxation than they were before.

Second —

**Mr Silipo:** No, it's not. It's making the gap bigger than it was. When the 1997 numbers are in the gap will be even bigger.

**Hon Mr Hodgson:** Mr Speaker, I know they don't like to hear this but the facts speak for themselves.

Second, there are thousands of people who are off social assistance and have a job. That's the number one program to try to address this inequity between those who aren't so well off and those who are rich in this country: to have a job.

1400

**The Speaker:** Final supplementary, member for Beaches-Woodbine.

**Ms Frances Lankin (Beaches-Woodbine):** Minister, in Mike Harris's Ontario, while the most well-off in this province are doing even better because of your tax scheme, there are now more than 50,000 children who get their food every day from food banks in the greater Toronto area. You and I both know that there are no poor children, there are only poor families, and your government has made them poorer.

In the first year you were in office the number of single-parent families with incomes greater than 50% below the poverty line grew by 2%, to over 12% of all families in Ontario. Do you know what that means? That means there are more poor children who are going to bed hungry. That means there are more poor children who are going to school hungry and who are having trouble learning. That means there are more children who are having health problems that are going to follow them throughout their entire lives. Those are precious children and they are the responsibility of all of us.

It's not too late for you to do something. Will you say that you will take the recommendations from this report to cabinet and you will fight for them, you will fight for the children of this province?

**Hon Mr Hodgson:** We agree that there's a problem. The stats clearly show that in 1996, before our policies had been implemented, the gap was widening. We disagree with the solutions that your party and the Liberals implemented for 10 years that led to this situation.

I just want to point out a few things. One is that there have been 408,000 net new jobs created in this province since we took office. Contrast that to the negative 10,000. You lost 10,000 net jobs. Hundreds of thousands of people have left the welfare system to get jobs.

If you want to talk about the taxation policies in this province, 655,000 people have been dropped off the provincial tax rolls. They no longer have to pay provincial taxes. Those low-income earners, who under your government were forced to pay provincial income tax, no longer have to do that.

If you want to contrast it with what the top 10% of taxpayers pay, in 1995 under your regime they paid 42% of the total tax bill; now they're paying 45%. We have a more —

**The Speaker:** Thank you. New question.

#### LONG-TERM CARE

**Mrs Marion Boyd (London Centre):** My question is for the Minister of Long-Term Care. I'm directing it at you because apparently the Minister of Health in this gov-

ernment is no longer responsible for the health of people who require health services over a long period of time.

Yesterday you said you were deeply disappointed with the response from hospitals in the GTA to your call for funding applications for long-term-care beds. One of the applications you received was from Riverdale Hospital, a facility that has been providing care for very ill people for 35 years, ever since chronic care hospitals were designated.

Your own HSRC, the body your government created to make sure that the restructuring process was non-partisan, recommended that you approve Riverdale's application for long-term care. But you didn't even give them an interview. You didn't even tell them that and you didn't put them on the short list. When they tried to meet with you, you refused. The Minister of Health also refused. They hit a roadblock and that roadblock was you.

Minister, will you now reconsider and allow the dedicated staff at Riverdale Hospital the opportunity to go ahead with their plans?

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** I want to confirm for the member opposite that I did not receive an application for transition or temporary beds from Riverdale Hospital.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Ms Marilyn Churley (Riverdale):** Minister, don't play cute with us on this very important question. You know what we're talking about here. They applied —

*Interjections.*

**The Speaker:** Stop the clock. Member for Riverdale.

**Ms Churley:** Minister, you know that my colleague is talking about their application for long-term-care funding. Riverdale Hospital is in my riding, and it is the only facility in all of east-end Toronto that is there for chronic care. The east end of Toronto has the highest demand for chronic and long-term care in the city.

Over the years, I've met with the staff and the residents, 11 of whom are here today. These people call Riverdale their home. They have the building, the land, the facilities, the staff and \$41 million to make the transition. On top of that, Riverdale was directed by the HSRC to develop a plan to make the switch from chronic care to long-term care. They did everything they were asked to do, but you won't listen. It's clear you're still not listening today. Minister, what is it about Riverdale's application that made you decide, or the Minister of Health decide, to overrule your own HSRC, your very own commission?

**Hon Mr Jackson:** No decision has been overruled, no decision has been made and no decision has been announced with respect to the 6,700 new beds, which this government will announce in a very few weeks.

I want to clarify for the member opposite, who doesn't seem to be aware, that this process has been ongoing for a couple of months and we have not finalized the list for the public announcements as of yet.

I was responding to her statement about the fact that we have asked for 1,700 transitional long-term-care beds in this province. It was raised in your caucus's first question

to me in this House. I clearly stated that I have not received an application for those transition beds. I still need an additional 1,000 in this province. I'm willing to sit down with any or all hospitals or facilities in order to get those 1,000 beds up and running in this province immediately.

**Ms Churley:** I hope, and maybe you'll clarify this, that is a maybe that you'll reconsider, which is great news for us and those residents of Riverdale Hospital who are here today.

We're being told by the government you'll have a plan in place by September 1999, but this won't help the 435 ill and disabled patients who can't wait that long. You just mentioned you're going to create 1,700 new long-term-care beds, but there are already 4,000 people on the waiting list. These residents need an average of \$242 a day in funding. They are now getting this at Riverdale. You're only promising \$96 a day.

Minister, please listen. These people can't be shuffled into a nursing home. They require too much care, and they deserve that care. I am asking you again, and please clarify, the staff and the 435 residents of Riverdale ask you again: What does Riverdale have to do?

**Hon Mr Jackson:** Riverdale has to conform to what the Health Services Restructuring Commission has determined for them, and that final report is now in place. What now has to happen, and the member should be aware of this, is that each and every resident of that hospital needs to be examined, through a proper assessment, done through appropriate guidelines, done by not only hospital staff but predominantly by hospital staff, using the guidelines by the ministry.

We know there are residents in that hospital who will require complex continuing care, some who will be able to go to a community placement and some who will go to a long-term-care facility.

**Ms Frances Lankin (Beaches-Woodbine):** Will you interview them under the RFP process, Cam?

**Ms Churley:** What's your answer? Yes or no, Cam?

**Hon Mr Jackson:** If you want the answer, I'm prepared to give it to you.

**The Speaker:** Member for Riverdale and member for Beaches-Woodbine, come to order, please.

**Ms Churley:** We just want an answer.

**The Speaker:** Member for Riverdale. Minister.

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**Hon Mr Jackson:** I respect that the member opposite is seeking answers today. I am trying to impress upon the member that we are dealing with residents of a hospital who have already been told this hospital will close. We are going to ensure that there is minimal disruption, that proper client- and patient-focused assessments are done and that those choices will be respected.

**The Speaker:** New question.

**Mr Gerard Kennedy (York South):** My question is for the Minister of Health. We have with us in the gallery today an extraordinary group of people. They are here in wheelchairs; one is here on a bed with an IV drip. They



are patients at Riverdale Hospital. They're here because of your mismanagement of the health care system.

First, you told them that their institution, which has 435 people there — some of the sickest and most vulnerable people in this province, who have been there a median time of 10 years — that you're shutting that hospital down. You invited them then to apply for a long-term-care facility, and now they have learned they're not even going to get an interview, so they won't have a long-term-care facility to help take care of some of these people.

This is a public hospital. These patients are your responsibility. They want to know here today what is going to happen with this. Minister, in your answer, don't give us a date; we've seen what that means. Tell us today what the plans will be for each of these people, for Martin Cormack, for Joe Lacey, for Colin Dahl, for Malcolm McNeil, for Margaret Ryan and for 428 others. Where are they going to go?

**Hon Elizabeth Witmer (Minister of Health):** I'll refer the question to the Minister of Long-Term Care.

**Hon Mr Jackson:** As I indicated, the assessed needs of each and every single patient in Riverdale Hospital are of concern to this government, and that is why we're going to sit down with the hospital when we've established the guidelines and the assessment tool in order to ensure they get the appropriate placement for the level of care they require. That is very clear from the health restructuring commission. It is a very clear commitment of my colleague the Minister of Health, and it's a very clear commitment from this government.

But I want to remind the member opposite that we are expanding 5,800 new long-term-care beds in the city of Toronto, 2,200 of which will be announced within weeks. That leaves 3,600 more beds for which hospitals like Riverdale are more than able and capable, and we are willing to receive any applications they make in that next round of applications — and this round of applications, for that matter.

**Mr Kennedy:** It is completely unacceptable that the Minister of Health, who has legal responsibility for these patients, will not answer the question. Your answer does no dignity to this government. These patients are less than 18 months away from being kicked out of the only place they know that will give them quality care.

Let's see what you guys are trying to get away with. You're trying to warehouse some of these people. Listen to Margaret Ryan. She lives there. She has been there 16 years, and she says she doesn't believe nursing homes will have enough RNs, give oxygen or be equipped to handle electric wheelchairs. Riverdale is her home, and she doesn't want to leave it. She's right. You only give \$100 a day to the long-term-care facilities. She's correct about that. There's \$240 a day to care for patients at this hospital. They've had assessments done, and their patients need 4.5 to 11 hours of nursing. Your nursing homes are only providing 2.5 hours. Will you stand up today and tell these patients, the people in the hospitals, that you will give them exactly the same quality care they're getting today? Make us that promise today.

**Hon Mr Jackson:** It was this government that fully implemented levels-of-care funding. This House should be aware that in your question you are suggesting that the most minimal levels of care are what these people who are here in the House today are eligible for. That is wrong, it is inappropriate, and frankly you know better, because when your government was in power, you did not bring in levels-of-care funding. In fact, the chronic-care role study — when you were busy helping feed homeless people in Toronto during David Peterson's turn as Premier, your Minister of Health, Elinor Caplan, was not expanding long-term care but in fact reducing the number and reclassifying chronic-care beds in this province, a decision that is 10 years old in this province.

We're the government that is, through the Health Services Restructuring Commission, finally making sure that those citizens who require complex continuing care will receive it and those people who are locked in those hospitals but would rather have care in a nursing home closer to their home will receive it. That's the commitment this government has made, and that's the commitment we'll deliver.

**Mr Kennedy:** Your government is the one that will not take responsibility for the needs of sick people in this province, and you proved it again with your answer today.

Minister, it's not just the patients of Riverdale or Runnymede hospital, which is in exactly the same position here in Toronto, or the Scarborough Grace hospital. It's about 3,506 chronic care patients who this minister's hospital destruction commission is removing from this province. Those beds, that care, is leaving, and you have no plan to replace them. You have people here today anxious to know what's going to happen to them.

You did not make a guarantee, Minister, and I'll challenge you again. There are no chronic care beds. The other minister, the half minister of health, said in a letter that they received last week, "We know that hospitals located near Riverdale Hospital are willing to accommodate patients and that initial discussions are in progress." There are 800 chronic care beds being closed. Where are the patients from Riverdale Hospital going to go? Do you have an answer, or are you going to give us more politics and more examples of bungling between your two half ministries?

**Hon Mr Jackson:** Amid the member's interest in creating fear and uncertainty in a process which has clearly been set out, fear and uncertainty being spread by the member opposite on a process which has been ongoing, very public, transparent and open to the citizens of this province as to how we are providing the changes in the Health Services Restructuring Commission, we have implemented levels-of-care funding for the first time in this province to ensure that as seniors and persons with disabilities require additional care, they will receive it. By stylizing minimal hours of care, you are in fact frightening people unnecessarily.

I want to advise you that all of these services that this province is providing, an over 40% increase in funding for community-based care, is done completely outside of the

Canada Health Act, a commitment that this government has made because it has increased health care in this province by \$1.1 billion. You save your rhetoric for your friends in Ottawa and you tell them to pony up, and you face those patients upstairs and tell them why Paul Martin won't listen to them.

### PROPERTY TAXATION

**Mr John Gerretsen (Kingston and The Islands):** I have a question on behalf of the small business owners and residential property taxpayers in the province. I will go to the Premier-in-waiting, the Chair of Management Board.

Your government prides itself on its management skills and businesslike approach, and yet at the same time you have created a crisis in health care —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Stop the clock.

**Mr Gerretsen:** I will tell you, the people who aren't laughing are the small business owners and the residential taxpayers of this province whose taxes have gone up 200% to 300%, all as a result of your mismanagement. The same mismanagement that you've done in health care and in education, you're now doing in property taxation. You've had seven different bills here, and every time you're getting it wrong.

We've asked you to bring back Bill 61 and you won't. We've got an expert panel made up of members of AMO, the municipal finance officers, the association of municipal managers, the clerks and treasurers of this province. They have given you the answer to the property tax assessment problems that you've got in this province. Why aren't you listening to these people?

**The Speaker:** Question, please.

**Mr Gerretsen:** Why are you beating up on the small business owners of the province, all to benefit your rich friends in big —

**The Speaker:** Thank you. Answer. Minister.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I hope no one tells Dalton about your preamble. We've seen this week how he deals with people who dissent.

Your point is well taken, and this government is clearly on the record as wanting to support small business. That's why the Premier and the finance minister and other members of our caucus have been speaking out on behalf of small business owners. We've reformed the WCB and we've scrapped the employer health tax that was brought in by the Liberal government, which was nothing more than a tax on working people and small business owners and employers.

The essential point is that we have given municipalities tools so that this didn't have to happen. Having seen that there are unintended consequences, we want to work with municipalities, but the bottom line is that we have to ensure that small business owners aren't forced out of

business as we go through this transition over to a fairer system.

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**Mr Gerretsen:** Why don't you stop blaming everyone else and apologize to the small business owners and the residential taxpayers of this province?

I've got a letter here dated October 7, 1998, from one Margaret Marland, a minister in your own cabinet, addressed to Ernie Eves. What does she say about the property tax situation? She says, "A number of my constituents have told me that they will be forced to leave Mississauga because they cannot afford to pay their increase in taxes this year," a situation that you created. You are the only party that created that, as a result of the total mess that you've made, as a result of the down-loading, as a result of improper tax bills that you've introduced now on seven different occasions.

When are you going to get together with the people who know what they're talking about and clear up this mess so that the taxpayers of this province can be safe from you?

**Hon Mr Hodgson:** I want to state for the record that any of the changes that Mr Eves will announce and go through the details of tomorrow will not have any impact —

*Interjections.*

**Hon Mr Hodgson:** I know the Liberals don't want to listen to this — will not have any impact on the residential property taxpayers.

I would challenge the Liberals. You can choose a hypothetical city such as Kingston, and we'll put our tax increase record against yours any day. If you want to compare the tax rates that went up in Kingston in the 1980s, for example, with what the tax impacts will be from 1995 to the year 2000, I'd put our record up against the Liberal record any day of the week. Second, we had some pretty record increases that hit homeowners, small business, large business. You couldn't find a program they didn't want to raise the taxes on during the 1980s. That's the mess we've been forced to try to clean up.

I just want to assure the House and the people of Ontario this will not have an impact on residential homeowners, and the bottom line is that we want to protect small business owners in this province.

**The Speaker:** I'd like to take the opportunity to introduce, in the members' gallery, the MP for Dartmouth, Wendy Lill. Welcome.

I'd also like to introduce the Honourable Wes MacAleer, Minister of Community Services and Attorney General for Prince Edward Island. Welcome.

New question.

### DOMESTIC ABUSE

**Ms Marilyn Churley (Riverdale):** My question is for the Attorney General. I think I may have an announcement to make on your behalf. Although you've always denied there is a problem, I was informed yesterday that you have acknowledged the problem, which I and my leader have



repeatedly raised in this House, faced by the victims of domestic violence who must serve their own court documents from family court. A one-page clarification of the exemptions for serving court documents was sent to all judges and court staff this week. Thank you.

But this does not address the full issue, because many women without a lawyer do not know how to raise the issue of prior violence when they appear before a judge in the family court. For instance, this would not have helped the woman in my riding who was deliberately run down by her spouse in his car when she had to deliver her own document. When I raised this, I was told by your staff that you can make this a priority for the integrated justice project so that judges have all the case history in front of them and make sure these women are exempted. Will you do that?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** Yes.

**Ms Churley:** Thank you very much, Minister. I look forward to seeing that action as well.

My second question relates to the same issue. Because my leader, Howard Hampton, and I have consistently and, I must say, alone in this House raised the importance of moving quickly on the jury recommendations of the coroner's inquest into the tragic murder of Arlene May, your government has now, finally, taken some initial action on that.

But there are many recommendations from that jury, as you know. The jury heard evidence regarding the impact of your government's cuts to women's shelters and second-stage housing. One of the most important of their recommendations was immediately to review shelter funding.

Minister, I was informed that your government has undertaken those recommendations that were both urgent and easy to implement. I think this recommendation falls under those criteria. Would you please tell us today if your government will increase or put back the funding you took out of shelters and put the services back into second-stage housing?

**Hon Mr Harnick:** I appreciate the member's question. The member is quite right that we have taken significant steps in dealing with the recommendations of the May-Iles jury. We are continuing to review and to implement the recommendations that were made.

We've doubled the number of victim/witness assistance programs across Ontario. We've created eight new specialized domestic violence courts. We've expanded the use of domestic assault review teams. We've enhanced training on domestic violence and sexual assault for crown attorneys. We've increased funding for specialized services for abused women which were not previously covered by legal aid.

I might tell you that we've done all this within a very short time of the recommendations being brought down and we're going to continue to implement recommendations that were brought forward by this jury. They are important to the system of justice and we will continue

with our commitment to implement the jury's recommendations.

## YOUNG OFFENDERS

**Mr John Hastings (Etobicoke-Rexdale):** I'd like to direct this question to the Attorney General in regard to his comments and views in the media over the past several months on the youth offenders legislation that the federal government is proposing, and particularly the media's perception or encouragement of the perception in the greater Toronto region that crime is declining despite the reality to the contrary, particularly a recent city of Toronto transit report and survey that shows women perceive the areas and the subway as dangerous places. Pertaining to these particular positions, Minister, what will Ontario's position be on the proposed youth offenders legislation that Ottawa is setting out?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** This government has consistently taken the position that the federal government must amend the Young Offenders Act to provide a justice system that has built into it some deterrent for young people in terms of the commission of crime.

We believe that the federal government should make the following changes: redefine the Young Offenders Act so that youths 16 and older are sentenced as adults under the Criminal Code; if the maximum age is not changed, at the very least, legislate the mandatory adult sentencing for 16- and 17-year-olds charged with serious, violent offences and those who have a pattern of repeat offences.

We believe that there's a role to play for the justice system in dealing with young people under the age of 12. Now there is no role whatsoever for them. We believe in the publication of names of youths convicted of serious violent crimes.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mr Harnick:** We believe there should be a requirement that youths transferred to adult court have the same parole eligibility requirements as adult offenders.

The important thing is that we —

**The Speaker:** Supplementary.

**Mr Hastings:** You know, Minister, it shows that this government has real positions dealing with youth crime and wants to deal with the reality rather than the perception around the issues of youth crime. Yet we see constantly on this particular issue a traditional soft-on-crime, rather mushy approach to crime, what I would call a complete mismanagement of the file on youth crime. How will we advance our positions in Ottawa to ensure that we get these positions in place rather than what they have proposed?

**Hon Mr Harnick:** I would agree with the member from Etobicoke that the federal government has mismanaged this matter. One of the great differences between the federal Liberals, the provincial Liberals, the NDP and this government is that this government believes that we must have a Young Offenders Act that isn't treated as a joke by young offenders.

**Mrs Sandra Papatello (Windsor-Sandwich):** Give kids the guns and then take care of crime.

**Hon Mr Harnick:** I have travelled across this province and I can tell you that people in this province believe that the Young Offenders Act is a failed experiment. They expect more than tinkering to change it. They expect an act that's going to deter crime.

**Mrs Marion Boyd (London Centre):** They are going to make you the real target.

**Hon Mr Harnick:** I know this is hard for the provincial Liberals and the provincial NDP to deal with, because they like the Young Offenders Act as it is. That's one of the great differences between this government and that opposition.

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### EDUCATION FUNDING

**Mr Sean G. Conway (Renfrew North):** My question is to the Minister of Education and it concerns the new education funding formula, particularly as it applies to rural and northern school boards.

I want to talk today about the rural and remote granting factor in the new formula. As you will know from our discussions here last week, the Renfrew county public school board gets nothing under the rural and remote grant factor of the new formula. Renfrew county is the largest county in the province of Ontario and certainly one of the most rural. We get nothing in Renfrew under this factor, but public school boards in Kingston, Belleville, North Bay and Lindsay, in four cases, get hundreds of thousands or millions of dollars on an annual basis.

Minister, how can you justify a situation where the public school boards in Kingston and Belleville get millions of dollars under the rural and remote grant factor and the Renfrew county public school board gets nothing?

**Hon David Johnson (Minister of Education and Training):** The remote and rural component of the funding formula allows money available to those boards where the centre is at least 150 kilometres from one of the five major urban centres in the province of Ontario.

The philosophy behind it is that boards that are geographically located further from a major urban centre experience additional costs in terms of the provision of services. Over \$90 million in the formula, which is double what it was in 1997, is available to those boards, so it's simply a fair and even application of this formula across Ontario. About a third of the boards across the province qualify for it. They have additional costs because of their geographic location away from major urban centres and they have the money to distribute education programs to the best advantage to their students.

**Mr Conway:** I appreciate that actuarially correct and bureaucratically impressive response. It doesn't change the fact that the biggest rural county in the province, Renfrew, which is 3,000 square miles, which runs 190 kilometres from Arnprior to Deux-Rivieres, and from Pembroke out to near the Algonquin Park perimeter at the village of Whitney, gets nothing under the rural and remote granting factor of your new formula, while public

school boards in Kingston and area get \$1.3 million annually; the Belleville and area public school board gets \$1.8 million, the North Bay and Parry Sound public school board gets \$2.9 million; and the Lindsay and area public school board gets \$2 million under the rural and remote grant factor. Surely, Minister, you understand that this is, for whatever reason, unfair to the people of Renfrew county.

Will you stand in your place today and tell the thousands of students who attend those very rural and remote schools in the upper Ottawa valley served by the Renfrew county public school board that you will adjust the formula to at least provide the Renfrew public school board with the same treatment you're giving the public school boards in North Bay, Kingston, Lindsay and Belleville?

**Hon David Johnson:** There are different portions of the formula which pertain to different boards. For example, although the Renfrew County District School Board does not receive any money from remote and rural, it does receive about a half a million from the small schools portion of the budget. Other boards would receive no money from the small schools budget, but the Renfrew county board receives that half a million dollars.

I might say that the Catholic district school board in Renfrew county, in addition to over \$1.1 million for small schools, also receives about \$700,000 for the remote and rural component of the funding formula, for a total of about \$1.8 million. So in grand total there's about \$2.4 million going into Renfrew county to both boards, the Renfrew County District School Board and the Catholic district school board, for small schools and remote and rural schools.

### FRANCHISE BUSINESSES

**Mr Tony Martin (Sault Ste Marie):** Since the Minister of Consumer and Commercial Relations isn't here, my question is for the Chair of Management Board and acting Premier.

This is not a good time to be a small business in Ontario. There is a large sector of small business experiencing tremendous difficulties at the moment. The franchising industry has been stressed for a number of years now by unscrupulous big franchisers taking advantage of unsuspecting, anxious small entrepreneurs, among many others, immigrants enticed to this country with promises of gold in the streets.

Your colleague the Minister of Consumer and Commercial Relations has been promising for about three years now to table legislation in this House that will regulate that industry. Will you, during this week dedicated to the interests of small business, finally table that legislation?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** My colleague the Minister of Consumer and Commercial Relations has informed me that he is reviewing the proposals that were outlined and released in a consultation paper back on June 15 of this year. He



recognizes this is an issue that needs to be looked at and needs to be fixed. I've heard him talk on this a number of times and I'll definitely make him aware of your concerns here today.

**Mr Martin:** He's been doing that for three years now. When we were government we got a study done by all the partners in the industry, a working paper was developed, legislation was recommended and you've been looking at it for three years. You obviously don't understand how critical this bill is to a very important small business sector in this province.

I have brought before this House over the last three years example after example of families and individuals totally devastated by unscrupulous franchisers. I had Loeb franchisees in here; I had Mary Carlucci and National Grocers in here; I had Les Stewart from Nutrilawn in here; and today I have in the gallery Mr Peter Thomas, who has now lost \$170,000 at the hands of Mail Boxes Etc.

How long does this need to go on? How many more families and small businesses and entrepreneurs in this province need to be hammered before your government will table legislation to regulate this industry?

**Hon Mr Hodgson:** I know the Minister of Consumer and Commercial Relations appreciates your assistance on this and he too is deeply concerned about this, as everyone in this House is. I know he will be acting as quickly as he possibly can and he appreciates your support in doing that. He's reviewing these proposals, the modifications brought forth from people who have been involved in this process, and I know he'll be acting as quickly as he can.

### SOCIAL ASSISTANCE

**Mr Dave Boushy (Sarnia):** My question is to the Minister of Community and Social Services. Minister, the Chatham Daily News on Friday, October 9, reported that the number of people on social assistance has declined in Chatham-Kent and Essex county. Since my riding is right next door, can you tell us by how much there has been a decline and how much this has saved the taxpayers?

**Hon Janet Ecker (Minister of Community and Social Services):** I thank the honourable member. I would be very pleased to answer his question.

Through the success of our economic reforms, like personal and small business tax cuts that have helped create jobs, and the success of our welfare reforms, our work-for-welfare program and our other reforms, we have seen an unprecedented number of people leave the welfare system for jobs.

Chatham-Kent has seen a decline of almost 40%. That has meant a \$10-million saving for the taxpayers in Chatham-Kent. In Essex county there has been a decline of over 50%. That has given a saving of about \$5 million for the taxpayers in that community.

But not only is that a win-win for the taxpayers, it's also a win-win for the individuals who have left welfare and gone on to paid jobs, because two independent surveys have indicated that 60% are going into full-time

jobs that actually have been paying more than the minimum wage. So it's a win-win all around.

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**Mr Boushy:** This is certainly good news for us, for the taxpayers of Chatham-Kent and the province. How does this decline compare to the provincial average?

**Hon Mrs Ecker:** The other positive thing about this in terms of those reductions we're seeing is that we believe, contrary to some members in the opposition, that the best support for someone is a job. The best way to attack the problem where people are in poverty is with steps that get them into jobs and keep them in jobs. That is certainly something we have been very proud of our record on. We've seen 323,000 people who have stopped relying on welfare since we were first elected. That's 133,000 fewer children who are trapped in the system, and that's certainly good news for them.

We've also seen that over 400,000 individuals have been able to participate in our Ontario Works program in one or more of the components. We've also seen and I've met many individuals, from Sarnia and Chatham and in my other travels across the province, who have talked about the opportunities they have been provided through our reforms. I've met many who have talked to me about the jobs they've been able to get because of the supports they have had.

### SCHOOL CLOSURES

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of Education. This evening around 6:30, the Hamilton-Wentworth District School Board is going to present a list of recommendations for school closures. We have confirmed that this list will have 20 schools on the primary list and 10 schools on a backup list that will be recommended for closure. Many of these schools are inner-city schools. They're schools that have a capacity of 50% to 70%. They are schools that are the heart and soul of the community.

I have spoken to school trustees, I've spoken to parents, I've spoken to administrators. There's one very simple reason why this recommendation is going to come tonight, and that is your funding formula. They cannot accommodate growth in other areas of the community and at the same time maintain the schools they have.

Minister, in view of your screw-up in this, will you not commit to review the funding formula and save the closure of up to 30 schools in Hamilton-Wentworth?

**Hon David Johnson (Minister of Education and Training):** I'd say a couple of things. As I mentioned in the House the other day, I am in possession of a note from the Hamilton-Wentworth Catholic board. I realize we're talking about two different boards. You may not want to hear about this, but I'm going to tell you anyway. The letter from the Catholic board says:

"We will proceed with a number of urgent capital needs," as outlined in a report they had. "This is due to the new method by which the government is funding school

boards for the construction of new pupil places and the flexibility built into the new funding model.

"We are extremely pleased that this could be achieved without the need to close any active elementary or secondary day school."

So you can see that some boards are able to do this.

I would also say about the public school board, as I said on a radio program this morning, that there will be over 2% additional funds for operation and maintenance for the Hamilton-Wentworth public school board this year over last year.

**Mr Agostino:** I'm shocked and disappointed at your answer. I'm shocked at your attempt to try to pit the Catholic school boards against the public school boards.

The letter that you read is no comfort to the thousands of parents and children who are going to be devastated as a result of tonight's announcement. You don't seem to get it. It's nice that the separate board, the Catholic board, can deal with it. The public board, because of your funding formula, may have to close up to 30 schools. You don't understand that. They're inner-city schools. They are not only schools that are there during the day, but they are the community centre; they are the recreation centre; they become the basketball court at night. They become the heart and soul of our communities, and you are going to destroy that.

The school trustees don't want to close these schools. Minister, this has nothing to do with declining enrolment. School boards have closed schools in the past, one or two a year, as an example, as a result of enrolment. This has nothing to do with that. This is strictly your funding formula, and it is no comfort for you to read a letter from the Catholic board when up to 30 schools with the Hamilton district school board are going to go under.

Minister, again, will you do the right thing, review the funding formula and save these 30 schools from closure tonight?

**Hon David Johnson:** These community schools are important to communities, there's no question about that, and they were between 1985 and 1990, I might say, when the Liberals experienced the closing of 136 schools across the province. The member didn't mention that.

This government has not required the closing of a single school in Ontario. It has provided adequate funding for operations and maintenance based on the enrolment.

Second, this government has insisted that communities and parents get involved. We feel that because schools are so important to communities, the parents and the communities should be involved in the decision-making and should be looking for alternative measures.

I congratulate the people of Hamilton and the communities and the parents for being involved in this decision-making process. I have confidence that those parents and those boards together will come to the right decisions.

#### APPOINTMENT OF JUSTICES OF THE PEACE

**Mr Blain K. Morin (Nickel Belt):** My question is for the Attorney General. The town of Chapleau is in dire

need of a second justice of the peace to administer the laws of Ontario. Twice this year the provincial offences court in Chapleau has had to postpone because there was not a justice of the peace available to preside over the hearing. There is only one justice of the peace in town. This is unacceptable. It's unacceptable to the constituents in Chapleau and it's unacceptable to the court staff trying desperately on their own to deal with your government's slash-and-burn policy of cutting services. Letters have been flying between your office, the town and even the Ontario Provincial Police about the severe shortage, but no resolution has come out of it.

Minister, my question is, when will a second JP be appointed so this northern community can be assured that justice is being dealt with?

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** May I congratulate the member for Nickel Belt on his election victory.

To respond to his question, it's important to know that the daily assignment and scheduling of justices of the peace is, by legislation, independent of the government. It is within the jurisdiction of the Associate Chief Judge, who is the coordinator of the justices of the peace. My understanding from that individual is that Chapleau has the number of justices of the peace to meet the demand that exists there. The Associate Chief Judge has not advised me of the need for another justice of the peace.

I can tell you that we have justices of the peace on call in Sudbury, Chapleau, Massey, Wawa. We've just appointed a new justice of the peace in Timmins. My understanding is that the complement is sufficient for the workload that exists.

**Mr Blain Morin:** Minister, you missed my point. We're not asking you to administer; we're asking about appointing a justice of the peace.

On September 24, 1998, Sergeant S.P. Easton of the Chapleau detachment of the Ontario Provincial Police wrote the Ontario Court of Justice explaining how poor services are for the community. I'm sending over a copy of this letter, which documents the very poor state of affairs for the courts and the police in Chapleau. This letter says, "All non-urgent matters regarding a justice of the peace will be directed to Timmins," and only urgent matters would be dealt with by the JP in Chapleau.

Chapleau is 200 kilometres southwest of Timmins, making it difficult to travel the distance for a fair hearing. By not appointing a second justice of the peace in Chapleau, your ministry is denying the basic right to a fair trial in a court of law.

From June 29 to August 15, the staff members of the OPP had to go to Wawa, Sudbury, Timmins or Iroquois Falls on nine occasions. My question is, when will a second justice of the peace be appointed so the community can be assured that justice will be dealt with?

**Hon Mr Harnick:** I see this letter, which the member has been kind enough to send over, dated September 24, 1998, to Judge Marietta Roberts, who is the coordinator of justices of the peace. I'm sure she will review this letter, and if she believes there is a need for an additional



appointment at Chapleau she would advise me of that and we can then deal with it. Certainly, she is the person who determines the need of JPs in a particular location, and if I'm asked by her to appoint a JP it's something we would do.

**Mr John Gerretsen (Kingston and The Islands):** On a point of order, Mr Speaker: The acting Premier today, on a number of occasions, has referred to an announcement that Mr Eves is going to make tomorrow. I seek unanimous consent for him to make the announcement here today.

**The Speaker (Hon Chris Stockwell):** The member wants unanimous consent for the Deputy Premier to make an announcement today. Agreed? No.

1450

### LINCOLN ALEXANDER EXPRESSWAY

**Mrs Lillian Ross (Hamilton West):** My question is to the Minister of Transportation. A key part of my election campaign in 1995 was the commitment to fund the Red Hill Creek Expressway, now called the Lincoln Alexander Parkway. I know that today you had a meeting with regional chairman Terry Cooke and were going to look at the details of that funding arrangement. I wonder if you could tell me what transpired at that meeting and when can we expect to drive down the north-south portion of the Lincoln expressway?

**Hon Tony Clement (Minister of Transportation):** Indeed I did meet with Terry Cooke, the regional chair, earlier today and was able to sign the Red Hill Creek Expressway funding agreement, which flows through the final portion of the \$106.75-million commitment of this provincial government for the benefit of the citizens in that particular region, which represents 60% of the cost of that building.

I think you can say to your constituents that the north-south section is on track. We expect that the interchanges at the QEW and the 403 will be built by the year 2000. Pending the environmental approvals and all the public hearings that are consistent with that, in terms of the provincial commitment to this highway our promise has been kept, yet another promise of the Mike Harris government.

### BUSINESS OF THE HOUSE

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I have two statements of business, one given to me by staff of the third party and one of my own. I'm going to read my own today.

This afternoon, we are going to do the Courts of Justice Act, and this evening we'll be doing the bill on Highway 407, Bill 70.

On Monday afternoon, we expect to do Bill 68, the Legal Aid Services Act, and in the evening Bill 48, the Courts of Justice Act.

On Tuesday afternoon, Bill 55, which is the Apprenticeship and Certification Act, and Bill 57, the Liquor Licence Amendment Act, dealing with U-brews. In the evening, we'll be dealing with Bill 70, the act on Highway 407.

On Wednesday afternoon we have an opposition day by the opposition party, and in the evening we'll be doing third reading of the Energy Competition Act, Bill 35.

We're dealing on Thursday morning with ballot items 29 and 30. In terms of the afternoon and evening, we'll have to give you indication of that early next week.

### PETITIONS

#### TRAFFIC CONTROL

**Mr Michael Gravelle (Port Arthur):** "To the Legislative Assembly of Ontario:

"Whereas the Thunder Bay expressway has been the scene of serious accidents in recent years; and

"Whereas as a result of strong lobbying by the community, including the OPP and Thunder Bay city council, an advance warning light has been installed at Balsam Street; and

"Whereas since the installation of this warning light there has been a major improvement to the safety of that intersection; and

"Whereas to further increase safety on the expressway more warning lights are needed farther down the system; and

"Whereas the Balsam Street warning light is in its second year of a three-year pilot project to deem the effectiveness of advance warning lights in the area; and

"Whereas surely two years is enough time to confirm that the advance warning light system has made a positive difference;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to end the three-year pilot project early and assess the results that will show that the Thunder Bay Expressway would greatly benefit and become much safer if a full system of advance warning lights were installed."

I'm pleased to sign that petition.

#### PALLIATIVE CARE

**Mr Bob Wood (London South):** I have a petition signed by 54 people.

"Whereas most Ontario residents do not have adequate access to effective palliative care in time of need;

"Whereas meeting the needs of Ontarians of all ages for relief of preventable pain and suffering, as well as the provision of emotional and spiritual support, should be a priority to our health care system;

"We, the undersigned, petition the Legislative Assembly of Ontario to resolve that a task force be appointed to develop a palliative care bill of rights that would ensure

the best possible treatment, care, protection and support for Ontario citizens and their families in time of need.

"The task force should include palliative care experts in pain management, community palliative care and ethics in order to determine effective standards for the right to life and care of individuals who cannot or who can no longer decide issues of medical care for themselves.

"The appointed task force would provide interim reports to the government and the public and continue in existence to review the implementation of its recommendations."

1500

### HEALTH CARE

**Mr Dan Newman (Scarborough Centre):** I have a petition today that I'm presenting on behalf of the member for Markham. It was sent to him by a constituent, Mrs Joan Callaghan of Thornhill. It regards health care and it's in the appropriate form. I'm presenting it on his behalf today.

### PRESCRIPTION DRUGS

**Mr Tony Ruprecht (Parkdale):** I keep getting petitions against the \$2 user fee imposed against seniors of this province. The petition reads as follows:

"Whereas the Ministry of Health has started to charge seniors and social assistance recipients a \$2 user fee for each prescription; and

"Whereas seniors on a fixed income do not significantly benefit from the income tax savings created by this user fee or from other non-health user fees; and

"Whereas the perceived savings on health care from the \$2 user fee will not compensate for the suffering and misery caused by this user fee or the painstaking task involved to fill out the application forms; and

"Whereas the current Ontario Minister of Health promised, as an opposition MPP, to Ontario pharmacists that his party would not endorse legislation that will punish patients to the detriment of health care workers in Ontario;

"Therefore we, the undersigned Ontario residents, strongly urge the government to repeal this user fee plan because the tax saving user fee concept is not fair, is not sensitive, nor is it accessible to low-income or fixed-income seniors; and

"Lest we forget, our province's seniors have paid their dues by collectively contributing to the social, economic, moral and political fabric of Canada."

Since I agree with this, I'm signing my name to this document.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Gilles Bisson (Cochrane South):** I have here a petition that was presented to me by way of letter from

Eileen Meunier, president of Campaign Life Coalition. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I present that on behalf of Ms Eileen Meunier from Timmins.

### CHILD PROTECTION

**Mr Joseph Spina (Brampton North):** I have a petition signed by 150 people, many of whom are from my riding and the minister's riding, from Brampton South.

"Whereas clowns and Santas in particular need to be controlled through licensing; and

"Whereas we at Balloons N Clowns strive to promote safety, and are therefore requesting mandatory licences for performers since they entertain in homes and require identification; and

"Whereas pictured licences could be issued to qualified applicants who have no criminal record;

"Therefore we, the undersigned citizens of Ontario, petition the province of Ontario as follows:

"To encourage a licensing system for clowns and Santas that would be mandatory throughout Ontario."

I agree with this petition.



## HIGHWAY SIGNS

**Mr Michael Gravelle (Port Arthur):** I want to read a petition that's already been successful and I want to thank the people who signed this by reading it into the record.

"To the Legislative Assembly of Ontario:

"Whereas tourism is increasingly important to the economy in northwestern Ontario; and

"Whereas small and medium-sized businesses are important to the development of a strong tourism infrastructure; and

"Whereas the Ministry of Transportation has provided opportunities for businesses to promote tourism through the use of field signs; and

"Whereas the Ministry of Transportation has arbitrarily raised the fee for field signs by over 300% over 1997 fees; and

"Whereas this decision seriously impedes the ability of small and medium-sized businesses to promote tourism in northern Ontario; and

"Whereas this action hurts small businesses;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to rescind this decision and freeze field sign fees at 1997 levels."

It has been successful. The ministry is rescinding the fees. We are very grateful that the pressure put on by these people has been successful. I'm very pleased to sign this petition on behalf of all those constituents in Schreiber, Marathon, Nipigon, Balmertown, Kenora, all the rest of the people.

PROTECTION FOR  
HEALTH CARE WORKERS

**Mr R. Gary Stewart (Peterborough):** I have a petition to the Legislative Assembly of Ontario regarding nurses, pharmacists, public health workers, physicians in Ontario, competent health care workers, and indeed health care workers in general, who often experience coercion to participate in practices which directly contravene their deeply held ethical standards.

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

## GOVERNMENT ADVERTISING

**Mr Tony Ruprecht (Parkdale):** I have a petition addressed to the Parliament of Ontario concerning education advertising. It reads as follows:

"Whereas the Minister of Education intends on taking more than \$1 billion out of Ontario's education system at a time when there is an increasing consensus on the importance of supporting our schools and classrooms; and

"Whereas per pupil funding in the province of Ontario now ranks below other jurisdictions, such as Georgia, Kentucky, Missouri and Nebraska; and

"Whereas the Mike Harris government has now embarked on an advertising campaign which will cost the taxpayers of Ontario over \$1 million; and

"Whereas the Mike Harris commercial doesn't constitute an important public announcement and instead is clearly an abuse of public funds, because they are self-serving political messages which are designed to influence public opinion; and

"Whereas the Mike Harris government could cancel the advertising campaign and use the \$1 million which belongs to the taxpayers of Ontario for the purchase of 40,000 textbooks;

"We, the undersigned, call on the Mike Harris government to cancel their blatantly partisan, self-serving political advertising campaign and redirect the taxpayers' \$1 million to classroom funding."

Since I agree, I'm signing this document with my name.

## ABORTION

**Mr Marcel Beaubien (Lambton):** I have a petition for the assembly which reads as follows:

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million; and

"Whereas pregnancy is not a disease, injury or illness, and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has the exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

## HERITAGE CONSERVATION

**Mr Michael Gravelle (Port Arthur):** "To the Legislative Assembly of Ontario:

"Whereas heritage is vitally important to the social and economic health of Ontario communities and Ontario residents; and

"Whereas community museums, galleries and heritage organizations work hard to protect, promote, manage and develop our provincial heritage resources; and

"Whereas the provincial government has a responsibility to the people of Ontario to promote the value of heritage and heritage conservation; and

"Whereas the Mike Harris government has abdicated their responsibility for heritage by cutting support to community museums, galleries and heritage organizations; and

"Whereas the Mike Harris government has not implemented a new heritage act that would give communities the ability to better protect heritage sites; and

"Whereas the Mike Harris government has not undertaken meaningful consultation with Ontario's heritage community;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to provide stronger support to Ontario's heritage institutions and organizations and to work with the people of Ontario to establish a new heritage act."

I'm pleased to sign this myself.

### YOUNG OFFENDERS

**Mr Ernie Hardeman (Oxford):** I have a petition signed by a great number of my constituents.

"To the Legislative Assembly of Ontario:

"Whereas there is an urgent need to amend the Young Offenders Act; and

"Whereas the province of Ontario continues to show inordinate levels of youth crime in the province with unsatisfactory outcomes; and

"Whereas it is clear that the Young Offenders Act does not go far enough in dealing effectively with the most serious and violent young offenders, particularly repeat offenders; and

"Whereas the time has come to take measures to ensure that these offenders are held accountable for their actions;

"Therefore we, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That the government of Ontario pursue the government of Canada to:

"redefine young offenders so that youths 16 and older are prosecuted as adults under the Criminal Code;

"provide for the prosecution of youths under the age of 12 for serious or violent offences;

"if the maximum age is not changed, legislate the mandatory transfer to adult court of 16- and 17-year-olds charged with serious, violent offences and those demonstrating a pattern of offending;

"require youths transferred to adult court to have the same parole eligibility requirements as adult offenders;

"restrict access to free legal counsel to ensure parents meet provincial legal aid eligibility requirements;

"permit the publication of the names of youths convicted of serious violent crimes;

"create mechanisms to enhance the capacity of administrators for dealing with young offenders who demonstrate inappropriate behaviour and refuse to participate in programs while in custody;

"permit the admission into evidence of a voluntary statement given to a person in authority at the discretion of the youth court;

"apply the victim surcharge to young offenders; and

"provide for mandatory custody dispositions for youths convicted of an offence involving the use of a weapon."

I present this on behalf of my constituents.

### PRESCRIPTION DRUGS

**Mr Tony Ruprecht (Parkdale):** I keep getting petitions against the \$2 user fee. This is a bit different than the other petition I've presented, but essentially the gist is the same, and it reads:

"Whereas the Minister of Health has started to charge seniors and social assistance recipients a \$2 user fee for each prescription filled on July 15, 1996, and

"Whereas seniors on a fixed income do not significantly benefit from the income tax savings created by this user copayment or from other non-health user fees; and

"Whereas the perceived savings to health care from the \$2 user fee will not compensate for the suffering and misery caused by this user fee or the painstaking task involved to fill out the application forms;

"Therefore we, the undersigned Ontario residents, strongly urge the government of Ontario to repeal this user fee plan because the tax-saving user fee concept is not fair, nor is it sensitive, nor is it accessible to low-income or fixed-income seniors; and lest we forget, our province's seniors have paid their dues by collectively contributing to the social, economic, moral and political fabric of Canada."

I agree with this petition.

### PSYCHIATRIC HOSPITALS

**Mr David Christopherson (Hamilton Centre):** I have a petition signed by another 300 citizens in opposition to the closing of Hamilton Psychiatric Hospital.

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario:

"We, the undersigned citizens of Hamilton and the surrounding communities, beg leave to petition the government of Ontario as follows:

"Whereas the Health Services Restructuring Commission has announced the closure of Hamilton Psychiatric Hospital; and

"Whereas the government of Ontario, through the Health Services Restructuring Commission, is divesting its responsibility for mental health care without hearing from the community first; and

"Whereas community-based mental health care providers will bear the brunt of this ill-fated decision by being forced to meet what is sure to be an increased demand for their services; and

"Whereas the government of Ontario is not adequately monitoring community-based mental health services for their effectiveness, efficiency or whether they are even delivering the agreed-upon programs in the first place, according to the 1997 Annual Report of the Provincial Auditor; and

"Whereas the community pays the price for cuts to mental health care;

"We, the citizens of Hamilton and area, who care about quality, accessibility and publicly accountable mental health care for all Ontarians, petition the Legislative Assembly of Ontario to immediately set aside all recom-



mendations to divest and/or close Hamilton Psychiatric Hospital and the programs and services it provides; and further, to call for full hearings to seek community solutions to community issues and to democratically decide the future of mental health care for the citizens of Hamilton and area."

I again support my local constituents and add my name to theirs.

1510

## ORDERS OF THE DAY

### COURTS OF JUSTICE AMENDMENT ACT (IMPROVED FAMILY COURT), 1998

### LOI DE 1998 MODIFIANT LA LOI SUR LES TRIBUNAUX JUDICIAIRES (AMÉLIORATION DE LA COUR DE LA FAMILLE)

Mr Harnick moved second reading of the following bill:

Bill 48, An Act to Improve Court Services for Families by Facilitating Expansion of the Family Court and to make other amendments to the Courts of Justice Act / Projet de loi 48, Loi visant à améliorer les services fournis aux familles par les tribunaux en facilitant l'expansion de la Cour de la famille et apportant d'autres modifications à la Loi sur les tribunaux judiciaires.

**Hon Charles Harnick (Attorney General, minister responsible for native affairs):** In rising today to move second reading of Bill 48, I intend to share my time with the member for Brampton North, the member for Peterborough and the member for York East.

The main purpose of this bill is to assist in expanding the Unified Family Court in Ontario by making minor adjustments to judicial administration. The expansion of the Unified Family Court is an important goal which I am confident has the support of all three parties. We all agree that the Unified Family Court model represents a better way of delivering family law services, finding solutions to family disputes and reducing the emotional toll on children.

In 1977, the Unified Family Court was established as a pilot project in Hamilton. In 1995, with all-party support, the court was expanded from the original site to four new locations: London, Barrie, Kingston and Nanawake. Unified Family Court has been termed a solid success by judges, lawyers, community agencies, court staff and, most important, the families who use it.

The Unified Family Court has jurisdiction over family law matters under both federal and provincial statutes, including divorce, custody of and access to children, child support, division of family property, adoption and child protection issues. Unified Family Court deals with all aspects of family law, providing convenient and accessible service for families in crisis. In areas of the province without Unified Family Court many families have to use

both General Division and/or Provincial Division courts, causing inconvenience and additional expense.

The Unified Family Court model has other significant advantages. It is based on a specialized bench with judges who have demonstrated expertise in family law. It offers access to mediation services to help parents find common ground and resolve their disputes in a way that keeps the interests of the children foremost, and it features more expeditious procedures designed to encourage timely resolution of cases and reduce their complexity and cost. There is a strong consensus among family law experts that the Unified Family Court provides a better way of finding solution, one that puts children first.

The Ministry of the Attorney General has prepared an expansion plan designed not only to bring this innovative model of delivering family law services to more Ontario communities, but to make this model even better. The pace of expansion, however, is not within the province's control. Since the Unified Family Court is a branch of the Ontario Court (General Division), all Unified Family Court judges are appointed by the federal government.

We were encouraged by the news in the spring of 1997 that the federal government was planning a new round of expansion of the Unified Family Court. We submitted a proposal to the federal government outlining our plan for expansion of the Unified Family Court to reach more than 50% of Ontario's population. This coverage was based on receiving 22 new judicial appointments from the federal government. In March of this year, however, we were disappointed to learn that the federal government would be appointing only 17 judges to Ontario's Unified Family Court bench. This is far short of what is required to meet the needs of Ontario families. Since only a few provinces were seeking new appointments, we were counting on a much larger proportion of the 27 available appointments, to bring the benefits of Unified Family Court to more families across Ontario.

With only 17 new judges, we've had to re-examine our plan for expanding the Unified Family Court. Our objective is to obtain the maximum benefit to Ontario families from the limited federal appointments. In making decisions about locations, we will be guided by the principle that communities with the greatest need should receive services first.

This government is firmly committed to the goal of province-wide Unified Family Court. I have called on the federal government to make it a priority to provide more judges at the earliest opportunity so that the Unified Family Court can be extended to all Ontario communities. Unfortunately, I have been advised it is not likely that we will see an expansion of the Unified Family Court again for some period of time.

**Mr John Gerretsen (Kingston and The Islands):** Why?

**Hon Mr Harnick:** That's very unfortunate. I know that the Liberal member from Kingston will be on the phone today, I hope, to speak to his friend the Minister of Justice in Ottawa to tell her how well the Unified Family Court has worked in Kingston and how it can be expanded

and should be expanded across this province as soon as possible. I might tell you —

**Mr Gerretsen:** Why are they holding it up? Give us the whole story.

**Hon Mr Harnick:** The member from Kingston asks me, "Why are they holding it up?" I don't know why they're holding it up. I can only tell you that I have urged them, and I hope my Liberal friend from Kingston will call the Minister of Justice as soon as he leaves here today to say, "Minister of Justice, I know that those 101 Dalmatians who sit in the Liberal caucus from Ontario, who haven't come to me to tell me one thing about the Unified Family Court, are ineffectual, but I come from Kingston and I'm a Liberal and we have the Unified Family Court." I think he can impress upon the Minister of Justice how important it is to have a complete expansion of the Unified Family Court. Instead of wasting his time yipping across the floor, I hope he goes to his office and does something for the people of Ontario. It's interesting to note —

**Mr Gerretsen:** Why don't you give us the whole story?

**Hon Mr Harnick:** The member from Kingston wants the whole story and I'm about to give him the rest of the whole story. After the 17 appointments were announced, I started getting letters from individuals among the 101 Dalmatians in the Liberal caucus in Ottawa. They're all telling me, "You've got to send it" —

**Mr Gerretsen:** On a point of order, Madam Speaker: I do not believe that federal members ought to be referred to as "101 Dalmatians," in the same light that the 82 Tories we have here shouldn't be referred to as 82 seals.

**The Acting Speaker (Mrs Marion Boyd):** That was not a point of order. The member was not referring to a member of this chamber and our orders only refer to members of this chamber.

**Hon Mr Harnick:** At any rate, I appreciate the enthusiasm the member from Kingston has for this piece of legislation and for the concept of the Unified Family Court and I hope he's going to help us out. I hope he's going to help the people in Ontario out and be a Liberal who is prepared to pick up the phone and speak to the Minister of Justice and impress upon her how important this court is. I can tell you, when the announcement of the 17 judges, which fell short of the amount we needed to realistically expand the court —

**Mr Gerretsen:** How many do you need?

**Hon Mr Harnick:** We need many. The member asks, "How many do we need?" We asked for 22 and we only got 17, so I suppose if we'd asked for 50 we still would have got 17, unless he has some other mathematical calculation that could help us out. I'm giving the member from Kingston, who wants to jump into every debate, a chance to be helpful to the people of Ontario, to stand up and be a Liberal who counts and who tries to do something in a positive way for the people of Ontario, rather than the usual Liberal way, which is just to criticize but never offer anything positive.

1520

As I was saying before the member began shouting out, we found out that we were only going to get 17 appointments. As a result of that I started to get letters from the 101 Dalmatians, the lapdogs in the federal Liberal caucus. They were all saying to me: "Bring it to my jurisdiction. We've got to have the Unified Family Court. Help us out."

**Mr Gerretsen:** Point of order, Madam Speaker: I'm asking for some advice from the Chair on this matter. Is it proper for a minister of the crown to refer to other elected officials in this country as being anybody's lapdogs? I would really like to have your answer on that, Madam Speaker.

**The Acting Speaker:** It's not a point of order in this House, since our orders only cover the conduct of this House. That's my answer. However, I would say to the Attorney General that perhaps with courtesy he might remember that we are all elected officials.

**Hon Mr Harnick:** Madam Speaker, in terms of the NDP caucus, I might tell you they have been totally supportive of this piece of legislation and in fact helped lay the groundwork for some of this when you were the Attorney General. We are continuing that process. I know at some later stage you will be making some remarks about this, which I look forward to hearing.

These 101 Liberal members of the federal caucus started to write me letters after the 17 appointments were announced, telling me that the jurisdictions they represent would be great places for the Unified Family Court. I just want to let you know, I've written them back and basically said, "If we had the 22 I might be able to guarantee it, but where were you when it came to telling the Minister of Justice how important this was to the people of Ontario? You were nowhere; you were absolutely nowhere" — exactly as the Liberal Party of Ontario is: Nowhere.

I really hope, and I don't mean to sound or be frivolous about this, that the member for Kingston can help us out and impress upon and do what the 101 federal Liberals representing Ontario would not do, and that's to tell the Minister of Justice that we need more appointments, we need them now, we want the opportunity to expand the Unified Family Court.

**Mr Gerretsen:** I will do anything I can to help you, Charlie. You really need it.

**Hon Mr Harnick:** He says he'll do anything he can to help, and I'm going to hold him to that because I think this is a Liberal who can make a difference. The rest of his colleagues around him right now probably couldn't make a difference, and I don't hear a peep of heckling from them, but this member from Kingston can make a difference. He's a former mayor of Kingston, he's a lawyer from a community that has the Unified Family Court and he's a Liberal. He might be able to communicate with the Minister of Justice so we can have a full expansion of the Unified Family Court in Ontario. I hope he'll try to do what the 101 what I call lapdogs but I guess for his sake I have to call Liberal federal caucus members won't do.

In the meantime, we have to proceed with the current phase of this expansion at the levels we have obviously



been given by the federal government. We expect to be making final decisions about expansion locations very soon. I hope that will be comforting to some of those federal Liberals who have been writing to me. I wish they had been on the ball before the decision was made so they could have said, "Give Ontario 30 judges so we can have the Unified Family Court almost across the whole province." I would like to do the whole province. I don't think it's right that the federal government is chopping up family law services in Ontario so that we have some kinds of service in some places and some kinds of service in other places.

In the meantime, our goal is to have the new courts operating by the spring of 1999. In addition to expanding to new locations, our plan includes new services to be offered at both the new and existing sites, so Kingston's going to get more than just the family court they already have, but they're going to get some expanded services.

The family law bench and bar have emphasized the need for information and education services. We will respond by offering family law information sessions in all Unified Family Court sites to assist the parties to make informed decisions about how to resolve their disputes. We will also provide parent education sessions at all sites to help parents focus on the best interests of their children. These services will complement mediation services which are provided at the existing sites and will be offered at the new ones.

To strengthen this innovative model of service delivery, we intend to further streamline the procedures of the Unified Family Court. This will be done by implementing new uniform family court rules at the same time as the new locations begin operation. The new rules were recently passed by the family rules committee and will soon be brought forward for cabinet approval. These rules are designed to make the court process faster and simpler for the parties and to put an even stronger emphasis on the early resolution of cases.

Finally, our plan includes a number of improvements to judicial administration. These changes are designed to ensure that the Unified Family Court operates as efficiently as possible and to ensure that Ontario obtains the maximum benefit from the available judicial resources. It is these administrative changes that are the subject of Bill 48.

These amendments have been drafted at the request of Chief Justice LeSage of the General Division, with the support of Chief Judge Linden of the Provincial Division and Chief Judge Steinberg of the family branch. The amendments confirm the authority of the chief justice over the Unified Family Court and fully integrate the court into the operating structure of the General Division.

As I mentioned, the Unified Family Court is the family branch of the General Division. The bill strengthens the administrative support to the court from the General Division by confirming that the operation of the family branch is under the direction of the regional senior justice in the regions where the court is located. The regional senior justices will direct and supervise sittings and assign

judicial duties. At the same time, the position of Associate Chief Justice (Family Court) which was never filled, will be replaced by the position of senior judge of the family court. The senior judge will provide advice directly to the chief justice on issues affecting the family branch from a provincial perspective.

The amendments also recognize the constitutional authority of the Chief Justice to assign other General Division judges to the family branch on a rotational basis. Let me expand on the last point. The Chief Justice plans to augment the new judicial appointments by rotating into the court other General Division justices. These rotational assignments will significantly increase the court's judicial resources. As a result, we will be able to expand the court to more communities than would otherwise be the case.

Most judges hearing cases in the Unified Family Court will be permanent appointees to that court, and those that are rotated into the court are most likely to be judges who have specialized in family law in the General Division and will be rotated into the court for periods of time not likely to be less than six months at any given time. We will have the continuity and expertise of those judges so that they can bolster the 17 new appointments that the federal government will be making to the Unified Family Court.

The support of the judiciary for the expansion of the Unified Family Court has been most heartening. As Chief Justice LeSage remarked at the opening of court ceremony this past January, "We are of the firm belief that the expansion of this court will assist families by providing them with greater accessibility to the courts. Our family branch is and will be a model for early intervention and quick resolution of the traumatic and emotional issues affecting people involved in family crises."

I am very indebted to Chief Justice LeSage for the help he is providing to us so we can make this expansion of the Unified Family Court as meaningful as possible for the people of Ontario.

**1530**

In addition to these changes in judicial administration, Bill 48 provides that Young Offenders Act matters will be heard exclusively within the jurisdiction of the Provincial Division. As some members will recall, in the 1995 expansion of the Unified Family Court it was decided to include young offender matters in some of the new sites but not in others and to reassess both options after one or two years. As a result, three of the existing five Unified Family Court locations have been hearing young offender matters.

Judges who deal with young offender cases on a day-to-day basis are now of the opinion that these matters should be dealt with in the Provincial Division, as is currently the case in almost every county and district in Ontario and in all other provinces.

The offices of the Chief Judge and the ministry support this assessment, given the proven expertise and extensive experience of the Provincial Division in hearing young offender cases.

The elimination of concurrent jurisdiction will also help us expand the Unified Family Court since additional

judicial resources would be needed if young offender matters were to remain in the court's mandate.

Finally, the bill contains a housekeeping amendment to restore the regulation-making authority to set salaries and benefits for provincial judges and masters. This authority was inadvertently removed by an amendment that took effect on February 28, 1995. The amendment is retroactive to that date.

The proposed legislative amendments appear more complicated than they are because changes in the names of the courts under part IV of the Courts Improvement Act, 1996 — Bill 79 — have not yet been proclaimed. Part IV cannot be proclaimed until the complementary federal legislation has been put in place. I understand that the federal legislation is now before a Senate committee, so that Bill 48, which we are now debating, has been drafted to accommodate the proclamation of the court name changes either before or after the bill comes into force.

In summary, this bill will facilitate the much-needed expansion of the Unified Family Court in Ontario and enable the court to serve Ontario families more efficiently and effectively. The amendments will create a solid administrative foundation not only for the current round of expansion but also for future expansion. I am confident that we all share the goal of province-wide access to this innovative and responsive family court model.

The bottom line is that this bill is in the best interests of Ontario's families. These minor amendments will support our efforts to give families a better way of finding solutions and lessen the emotional toll of family disputes on children.

This is a bill that deserves the support of every member of this House. I hope this bill will receive that support and that it will receive fast passage so that it can be ready and available to accommodate the expansion of the Unified Family Court. We all hope, given the federal government's intervention, that we can ultimately have this court operating across the whole of the province of Ontario for the benefit of Ontario families.

**Mr Joseph Spina (Brampton North):** I am pleased to join the debate with the Attorney General on Bill 48 and the changes to the act. I wanted to focus on the main elements of the amendments for a few moments. As the Attorney General indicated, these amendments are designed to ensure that the Unified Family Court operates as efficiently as possible and ensures that Ontario obtains the maximum benefit from the available judicial resources.

Some of the amendments the Attorney General spoke about specifically were, for example, to provide the regional senior judges with a clear authority to direct and supervise sittings of the family court and assign those judicial duties thereby.

In addition to that, it establishes the office of the senior judge of the General Division of the family court to provide advice to the Chief Justice on issues affecting that family court on a provincial basis.

It recognizes the Chief Justice's constitutional authority to assign those General Division judges into the court on a rotational basis, and those additional resources can now

be made available and the court can be expanded into more communities. At the same time, a substantial core specialized bench will be preserved and most judges, as you know, hearing the cases in the Unified Family Court will be permanent appointees to that court.

As the Attorney General indicated, it removes Young Offenders Act matters from the court and those matters will be dealt with by the Provincial Division. The Chief Justice and the Chief Judge and senior judge of the family court fully support the elimination of the family court jurisdiction for the Young Offenders Act matters. This change will free up judicial resources for a wider expansion of the Unified Family Court.

What other provisions do we have? The housekeeping amendment would restore the regulation making the authority to set salaries and benefits. That would include, of course, pension benefits for the provincial judges and masters and that will be retroactive, as the Attorney General indicated, to February 28, 1995, the date on which it was inadvertently removed. I find that a little surprising, knowing the sticklers for detail people in the legal profession usually are.

The amendments appear more complicated than they are because changes in the names of the courts under part IV of the Courts Improvement Act, 1996 — Bill 79 — have not yet been proclaimed. Part IV cannot be proclaimed until the complementary federal legislation has been put in place, and that is now before a Senate committee, as the Attorney General indicated.

I too join with the Attorney General in encouraging the honourable member from Kingston, who is a lawyer, a politician and seemingly well connected with the federal Liberal caucus, to put him in his spot and say that is a perfect opportunity to become a hero to your peers in the legal profession, a profession which, I might add, I am not a member of. I am not a lawyer. I do not aspire to be a lawyer and do not plan to be a lawyer, with all due respect to the legal profession.

The question, where and when will the court be expanded, could be asked. An announcement about the expansion locations will be made soon. As the Attorney General indicated, we hope we can do that by the spring of 1999, subject to the federal Senate putting into place its share of the responsibility.

Funding for these courts will be through the reinvestment of savings realized by the appointment of the Provincial Division family judges to the court.

To sum up, Ontario is firmly committed to the goal of province-wide unified family courts, and we urge the federal government to make it a priority to provide more judges so that the court can be extended to all of our Ontario communities as best we can. We hope to see a further round of expansion in the future.

In the past, as you know, all parties in the House have supported the establishment of these courts. They're an improvement of service to the public in settling family law disputes along the list the Attorney General indicated — things like family mediation and others, divorce annulments, declarations of parentage, custody, access, support,



matrimonial property, property issues between unmarried partners, adoption, and child protection issues — and hope they can deal with all of those aspects of family law in this single forum.

Those amendments would create a solid administrative foundation not only for the current round of expansion but for future expansion of the court. It is clearly a goal of this government to try to make the entire system a better servant of the people by being more efficient and by being better able to serve the population of this province wherever and whenever we can. We hope that all members of the House will support the legislation that we know will benefit the families of our province.

1540

**Mr R. Gary Stewart (Peterborough):** It's my pleasure as well to add a few thoughts to what the Attorney General said, and indeed my colleague for Brampton North, regarding Bill 48, the Courts of Justice Amendment Act (Improved Family Court). I think that kind of says it all. What it says is that we must continue to improve the process, to make it the very best we possibly can.

I'm going to speak from a layman's point of view. Like my colleague from Brampton North, I am not a lawyer. I'm going to emphasize and speak with a view towards customer service and, as I said previously, improving the family court. It seems to be something that past governments have not been very conscious of, when I talk of customer service.

One of the greatest problems with the system as it is now is the pressure and the emotional toll that it puts on the children who are involved in family disputes, the stress and the strain of the breakup of the family and certainly the disputes between the parents themselves. Probably more important, or just as important, is the fact that under the present system, as we have heard today, they now in many cases have to go before two court systems, one being the General Division and one being the Provincial Division of the Ontario Court.

This leads to delays; it leads to referrals. Again, no disrespect to the profession of lawyers, but it does become a work project for some because it goes on and on and on. The disputes get worse, the emotions are raised and, unfortunately, the children involved are the ones who are hurt most. I believe, much the same as we are trying to do in our education system, that children must be our first priority. They must come first, and they must always be listened to. Anything that we can do to make it easier and improve the system for these kids has to be done.

The family court system we are proposing provides a single-window approach for family law matters by giving one court jurisdiction under both federal and provincial status to deal with all aspects of family law. Communities with family courts have found them to be more convenient to families, children and other court users. I believe that is the basic theory of what we're trying to do in this government, and that is to have less duplication: make it work better, make it work efficiently, and have less duplication.

We have the track record to prove that what this act is proposing will work. As has been indicated, there are currently five family court locations across the province, in Hamilton, London, Barrie, Kingston and Napanee. This was started in 1977 in Hamilton as a pilot project. This government expanded it in 1995. So we have the track record to prove that what this act is trying to do will indeed work. I think that is most important.

The other thing is that these courts have very strong support from families who use them, and this goes back to what I said about customer service. We have to try and make it as easy as possible, less complicated as much as possible, to make sure they have access to the system. The community agencies, the advocacy groups, judges, lawyers and court staff are also supportive of this type of legislation.

Family court is a branch of the Ontario Court, General Division, and all family court judges are federally appointed. This is the one concern that I have. Unfortunately, the track record of the federal government working with the provinces is less than what we want. I would hope the federal government will work with us to make sure there are judges available, to make sure that this system works, and works well. In March of this year the federal government announced 17 more judges. I truly hope that the feds will work with us on this particular —

*Interjection.*

**Mr Stewart:** I would certainly hope he does, because the bottom line of this is the families and the children. I would hope that we remember that when we are trying possibly to refute having this bill come into effect.

The Ontario government is committed to province-wide expansion, and is presently evaluating where new family court sites would be best located to serve all Ontarians. Maybe for those us speaking, this will help us attract this type of a system into the area that we want.

Unification of family law jurisdiction in one court has meant better customer service for women and children and families. It's been proven before that it does work. Let's expand it. Family court provides increased support services such as intake, assessment, and referral to family mediation services. Certainly these days, the emphasis has been and will continue to be on mediation. Mediation can be much more desirable in disputes like this than having to go to court, which again, as I say, because of delays and deferrals, can get totally out of hand.

In the family court there is full service in family law at one court. All remedies, such as divorce, exclusive possession of a family home, custody, access, enforcement of a separation agreement, child and spousal support, enforcement of support orders and protection of children, can be dispersed from the same court with a consistent approach to the issues.

I believe further expansion of this court system is long overdue. As mentioned, it has been supported by the bar, by the bench and by the public. Those are the people who are involved with the system. Those are the people who are trying to mediate to the people who use it. We have to make sure that it's as easy and efficient as possible.

I know the expansion pace is under provincial control, but the fact that they are looking at where the locations should be in this province, with consultation, is good. Again, as I said, I hope the feds will make sure the federal judges are appointed in the quantity we need.

The proposed changes have been requested by the judiciary, who are fully supportive of the Unified Family Court expansion.

One of the things I mentioned was a single-window approach. Recently, through my involvement with the Red Tape Commission, my colleague from Lambton and I worked on a one-window approach for the building code, fire code and electrical code, again with the concentration on customer service. Why do you have to run here, there and wherever to do the same thing that could be done in one location? This is what the concentration is of the Unified Family Court system.

The Unified Family Court has jurisdiction to hear all of family law. Again, why would they not? Why would you be running to two courts to do that? Single window: Make sure it's good customer service, good accessibility, and what it will also do is reduce the cost and complexity of resolving family disputes, as well as the financial and emotional burden on families. Certainly many of the people who use that system are not the wealthiest in this province. If the financial portion of this can be reduced, then I suggest it's one more aspect of the customer service we want to do.

1550

**Mr Gilles Bisson (Cochrane South):** Madam Speaker, on a point of order: I believe we do not have a quorum.

**The Acting Speaker:** Clerk, would you check for a quorum.

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Continue debate.

**Mr Stewart:** I want to go back a little bit, if I may, and again emphasize the fact of the single-window approach or the one-window approach. As I mentioned, we had looked at it for three different codes through the Red Tape Commission. If you look at what we were trying to do, under the building code, for instance, there are eight ministries involved with one code. I believe that's not good customer service. I believe the access is not there. I believe there is too much red tape. This is not what I believe will help to push this province into the future. That's why we have to concentrate on doing it well and doing this type of single-window approach in the Unified Family Court.

We have to enhance the services. We have to improve the services. Why would we not? If we can save dollars, if we can make it easier for the people involved, why would we not do it?

Every Unified Family Court will provide mediation services to help families resolve disputes without resorting to costly and time-consuming litigation. The longer family

disputes go — and we all know it, because many of us have families. If you don't get the problem solved immediately, it gets bigger and bigger and festers. The bottom line is that the youngsters who are part of that family are the ones who are going to be hurt, and in some cases they can be marred for life by what happens during this very, very bad time in their life.

This bill will enhance mediation services by providing new public information services. Two kinds of services will be provided, information sessions on family law and alternate methods of resolving disputes and information sessions on the impact of parental separation on children. Again, the underlying problem here is the children who will be hurt. These services will be widely supported, as I said, by the bench and by the families.

We must get on with the legislation. In all aspects, whether it be the court system or government or business or in our day-to-day lives, we have to streamline the entire process. We have to do things easier, we have to do things faster and we have to do things more efficiently and effectively, because delays cost money and increase aggravation and animosity in disputes. That, I believe, is one of the reasons why we must support the Unified Family Court Act. It will strengthen the court and it will streamline it. New family rules, I understand, were recently approved by the Family Rules Committee and hopefully will be incorporated into this before it goes.

As I said, the hardship on the children, the pressure, the stress, stress on the moms and indeed on the dads, is the problem. Maybe the family unit will not always stay together, but if those disputes and that aggravation become too much and too deep and fester too long, it can have an impact on the kids, and they may never resolve anything within that family unit.

My colleague the member for Brampton North went into the main elements of the amendments. As he said, the amendments are designed to ensure that the Unified Family Court operates in as effective and efficient a way as possible and that Ontario obtains the maximum benefit from the available judicial resources.

There's one area in those amendments that I also want to emphasize, that we will remove the Young Offenders Act matters from the court.

**Mr Bisson:** On a point of order, Madam Speaker: The government has a problem holding quorum today. I see we're without a quorum again.

**The Acting Speaker:** Clerk, would you check to see if there's a quorum.

**Clerk at the Table:** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Continue debate.

**Mr Stewart:** Thank you, Madam Speaker, because it certainly gives me a little rest and I appreciate that. I think all government members are very cognizant of the fact that we have to be in here, and my colleagues are indeed here.

I want to go back to my final comment, that one of the amendments will remove the Young Offenders Act



matters from the court. These matters will be dealt with by the Provincial Division. Both the Chief Justice and the Chief Judge and the senior judge of the family court fully support the elimination of family court jurisdiction for Young Offenders Act matters. That type of support, that they want it eliminated — these are the people who are involved with the system; these are the people who know what the system needs, or indeed what the systems lacks. We have to take counsel from those types of people to make sure we do it right. It's called "consultation," and you will only improve something through consultation with the people who are involved. I believe this change will also free up judicial resources for wider expansion of the Unified Family Court.

1600

I'm going to wrap up by saying that in my mind, as a layperson, I believe we have to improve this act, and I believe the proposals, the amendments, are indeed helping in that improvement. Again, the bottom line is the children, the families that need the support and want to get on with whatever decisions that Unified Family Court makes. Indeed, they will get on with it with the hope that the family may still have some small segment that can either get back together or at least be compatible through the years. But if it goes on and if there are delays and if there is agonizing and more disputes, it will fester and become so ridiculous that the children will never, ever have those homes or the compassion and compatibility of the family.

I hope that all sides in this House support this bill and that we can get on with improving the family court system.

**Mr John L. Parker (York East):** It's indeed a pleasure and an honour to be able to join the Attorney General and my colleagues the members for Brampton North and Peterborough in speaking to this most significant bill and to add my comments to round out the first hour of debate on this bill that is here before us this afternoon. I sincerely hope I'll be joined in due course by my peripatetic friend the member for High Park-Swansea, who I expect to be joining me at any time; if he does, I would certainly welcome his company.

I really am impressed with the productivity of this Attorney General, particularly in this term. I say that not at all because he gave a set of sleepers to our new baby on the occasion of his birth, but it's quite amazing what this Attorney General has been able to bring forward before this House in just the past few weeks.

Just a few weeks ago, this Attorney General brought forward a monumental set of amendments to the Law Society Act, the first major overhaul of the Law Society Act in this province in a generation, in over 30 years, bringing the Law Society of Upper Canada into the 20th century — and about time too, just before we depart the 20th century. It took a long time for a government to get around to bringing about the kinds of changes that this Attorney General, Charles Harnick, has brought about for the Law Society Act here in this province, and he has done that just this term.

But he hasn't just rested on that. He has also brought forward legislation —

### *Interjections.*

**Hon Mr Harnick:** You're supposed to be clapping.

**Mr Parker:** And well the opposition should applaud the productivity of this Attorney General in bringing forward these important amendments. After all, the Liberal Party sat in office for five years. We didn't see progress on these matters. The NDP didn't bring forward a bill. But this Attorney General has brought it forward, and this session has the opportunity of bringing that forward to fruition and passing it.

But not content to rest just on that, this Attorney General has also brought forward monumental amendments to the field of legal aid. We have debated that already this week, with substantial discussion on the amendments that are being made to the provision of legal aid in this province, changing entirely the way in which legal aid is administered, structured and in all respects handled in this province, with an eye specifically to meeting the needs of the client population, keeping the costs under control and getting the resources to where they're needed, to the clients who are in need, whether it's the clients with certificates taken to individual lawyers or the clients of the clinics in their more generalized areas of assistance. We spoke of that earlier this week and the wide public praise that Attorney General Harnick has received for bringing forward that bill containing those amendments and those reforms.

We're here today dealing with yet another monumental reform by Attorney General Harnick, this time in the field of family law in particular. What the bill before us this afternoon does is take a pilot project that has proven its worth over some time and expand it generally across the province, and to put in place the mechanism and the framework needed to allow that new vision, that new approach to the administration of family law in this province to be carried out and to be conducted universally right across the province in all jurisdictions of the province.

I was taken with the remarks of the Attorney General and the member for Brampton North in their summations of this legislation, but I have to say I was particularly touched by the focus given by the member for Peterborough on the key benefit that is to be achieved through this legislation. He focused specifically on the benefit that will be enjoyed by children, because we know, in cases that come before family courts, cases of family breakdown, cases of family strife, it is the children who are the most serious victims in that process. It is the children who will stand to benefit from improvements made to that process, and that is exactly what this bill is aimed at achieving.

There are many elements to this bill that improve the system in many ways. All of it comes down to doing a better job of achieving justice on a timely basis in a manner which is least disruptive to all the parties involved. It has the additional benefit of being more streamlined, more straightforward and therefore more inexpensive to administer, leaving more resources available to deal with the casualties of family breakdown, and I

intend to address some of my remarks to that specific issue before my time is up.

Just a quick word of review as to the specifics of the amendments, and then I'll go back again to some of the benefits that these amendments will bring about. The concept of a Unified Family Court has been in place in Hamilton-Wentworth now for some time where there has been a single court — as the member for Peterborough so aptly put it, a one-window approach to family law matters. That approach has been in place in Hamilton-Wentworth for a number of years now and has met with outstanding success. It has been expanded to other jurisdictions but is not yet in place throughout the province.

Expansion of the Unified Family Court concept is widely supported by the bench, by the practising bar and by the public. Of course, the ultimate completion of expansion right across the province is not entirely within the control of this government or within the control of any provincial government. What this government can do, and what this bill does, is to lay the foundation for the expansion of the Unified Family Court concept, but it is up to the federal court to appoint the judges who are needed to serve in that Unified Family Court.

In our justice system in Ontario, we have some courts that are governed by federally appointed judges and the provincial courts that are administered by provincially appointed judges. What this bill does is take all family law matters and put them in a unified court under the administration of a federally appointed judge. Certain other matters that are currently dealt with by federally appointed judges would be transferred down and would be dealt with exclusively by provincially appointed judges, but before that can happen, the federal government has to appoint the judges that we need.

The Attorney General has already commented on the need of this province for some 22 new judges from the federal government. The federal government has responded by appointing 17 judges to this province. The Attorney General has commented on the number of calls he has received, not from provincial members but from federal Liberal members, asking the provincial Attorney General to see to it that those federally appointed judges are put to work in their particular ridings in their jurisdictions. But maybe what those members could do and maybe what the members of the opposition opposite could do to help all of us would be to put some pressure on their own federal government to get to work appointing the judges we need to make the Unified Family Court system available to everyone across the province.

1610

The proposed changes in this bill have been requested by the judiciary, who are fully supportive of the Unified Family Court expansion, and the advantages that are to be found by having this one-window approach, a Unified Family Court, are many. Let me itemize just a few significant ones.

First of all, as the member for Peterborough has said, the single window: In areas of Ontario without a Unified Family Court family law cases are still heard in both

Provincial Division courts and General Division courts with no end to confusion, duplication and legal manipulating to take tactical advantage of the confusion that that two-court system brings about in the family law system. The Unified Family Court system would reduce the cost and complexity of hearing family disputes, and it would reduce the financial and emotional burden on families and particularly on their children by bringing about the one-window approach. The member for Peterborough has spoken most eloquently on that particular aspect.

Through the efficiencies to be gained by bringing about the one-window Unified Family Court approach, I've already noted that resources would then be freed up to deal with ancillary services that are most valuable and important in the matters that family courts must inevitably deal with, where you're dealing with families that are coming apart and the injury and damage that is felt by the parties going through that process, particularly the children involved.

Through the efficiencies and the savings of the one-window approach, the Unified Family Court system will be able to provide mediation services to help families resolve disputes without resort to the costly and time-consuming litigation process, with a focus on resolving the differences outside the strict legal mechanism of the court itself but under the umbrella of the judicial system, using the mediation process to bring about resolution of disputes and resolution of the problems on a basis that is more satisfactory to all persons concerned without going through the agonizing and painful process of trials and appeals and so on.

Also, the system would be able to provide, and will provide, information sessions on family law and alternative methods of resolving disputes, not only mediation processes but other alternative dispute resolution mechanisms to resolve the problems in a more painless, productive and constructive way.

There will also be streamlined procedures generally, right across the board, streamlining the highly technical and highly cumbersome court process where family cases are involved, to make the court process faster and simpler and to put, as I've already mentioned, an even stronger emphasis on the early resolution of cases. We all know that it is the long, agonizing process of being in court time and time again that makes the process so painful in matrimonial family cases. By streamlining the process that will be made much less of an issue.

**The Acting Speaker:** Questions and comments?

**Mr Gerretsen:** Let me first of all say, let it never be said again that the opposition in this House is filibustering a particular bill, because I think I heard the same statement made at least a dozen times during the past hour or so. The government is now into filibustering its own bills, bills that we totally agree with.

I have a few things to say later on, but I would just like to address this comment to the Attorney General. It is indeed a sad, sad day in the history of the province of Ontario when the Attorney General himself, a man of such renown, highly regarded, literally believes that a lowly



opposition backbencher like myself would have more power and control with the federal Attorney General than a man of his position and stature would have. That is indeed sad. I would hope that during the last couple of months he has tried to talk to the federal Attorney General as well. I know her to be an extremely eloquent and very competent individual and I'm sure she would love to hear from him in this regard on the number of judges.

The Attorney General makes this sound as if heaven and earth have come down upon the department of the Attorney General because only 17 new judges were appointed rather than the 22 new judges that he wanted. Let me just say this: That is 17 more judges than had been appointed by either your federal — what was that fellow's name again? Mulroney, was it? — when he was there and when Bill Davis was still in power, when they could have instituted a number of other unified courts.

I must give credit to the former NDP government for at least extending the Unified Family Court by four additional courts to the original that was started in 1977.

**Mr Gilles Bisson (Cochrane South):** I listened very carefully to the Attorney General talking about how he was mad, and justifiably so, that the federal government was not doing its bit to appoint the judges we need, to make our court system and the family system work better here in Ontario. He bemoaned the fact, I think rightfully so, that again the federal Liberal government, when they had a chance to do something for Ontario — they've got a huge caucus in Ottawa, all but one — couldn't see their way to assisting the province. It raises the point, and I think it's a legitimate one, that if you've got 101 Liberals in Ottawa representing Ontario, where are they? How come they're not doing anything for the province? So I think it's a good point.

I reflect back, however, to an answer the Attorney General gave to the member for Nickel Belt earlier this afternoon when it came to the appointment of a justice of the peace. I remember Blain Morin standing here saying: "I've got a serious problem here in Ontario. We only have one justice of the peace in the town of Chapleau." The member for Nickel Belt, Blain Morin, asked the Attorney General, "Minister, when are you going to appoint another justice of the peace so the people in Chapleau don't have to go to Sault Ste Marie, Sudbury or Timmins to get court services?" and the minister said: "I can do nothing. It's not me who appoints the justices of the peace."

**Hon Mr Harnick:** All right, Gilles. You've got the job.

**Mr Bisson:** Well, there you go. I just found out we're going to get a justice of the peace in Chapleau, and I'm glad, because of the work Blain Morin is doing.

You can't on the one hand, Attorney General, turn around and chastise the federal government for not appointing a federal judge to our provincial system and at the same time not do anything about fixing problems in your own backyard. So in the name of Blain Morin and in the name of the people from Nickel Belt, we ask you to do your job and appoint a justice of the peace in the town of Chapleau so that those people can have those services.

**Mr John Hastings (Etobicoke-Rexdale):** It's quite interesting to listen to the member for Kingston and The Islands agreeing with this bill. This is a first for this member, to agree with anything. The other night, on another bill, he was saying it was a great idea and then went on to criticize —

**Mr Gerretsen:** Madam Speaker, on a point of order: Let the record clearly show that I've agreed with the government on two other bills.

**The Acting Speaker:** That is not a point of order.

**Mr Hastings:** The point I want to make is that the whole necessity of the integrated court system requires that the federal government act on the appointment of 22 judges. If you don't have the 22 in place, you don't have 22 integrated court systems that are functioning effectively to help the kids and the families that are breaking down in our society, regardless of the causes of those breakdowns.

Who can help us in this situation? The member opposite; in fact, all the members opposite in the official opposition, including the member for Kingston and The Islands, who is always on us for incompetence. Here is an example where he can remove that label alluding to himself and approach the 101 marvellous and, it would appear, silent members of the federal Liberal Party. These are the folks who could be helping him and he could be helping them to coordinate the appointment of the five additional judges we need to make our system fully integrated and fully functional. When is he going to do that? Just do it.

**1620**

**Mr Alvin Curling (Scarborough North):** This has been long awaiting, for this to come forward. The Attorney General, who has been around a long time, who understands the issues, I would want to believe, would feel that he has much more influence in his cabinet. I thought, with the kind of respect I have for him and the knowledge he has, that he has some sort of say in cabinet. But today, after all these years, this is just coming forward now. As you know, the party here was waiting anxiously for this to come forward.

What I would like to know, though, is, are you going to reannounce this and reannounce it as usual and the legislation doesn't come forward for a long time? Are you going to do the same thing that your Minister of Health has been doing and then it's six months down the road before it materializes? We would like to know that.

Is there adequate funding over there? At times, governments like yourselves talk about red tape, and then to destroy that red tape impedes people's access. You are creating your own red tape. What they need is more efficiency in the system. "Efficiency" means putting resources like money there. I don't want the Attorney General to bow his head and tell me yes now. He's saying that yes, adequate funds will be there, adequate enough so it can drive the system and people who are being exploited and being denied proper accountability within the system will be looked after.

I don't know how long you will take to do this, but I think you need to respond that this will come forward at a

time of efficiency so we have a good court system working for families.

**The Acting Speaker:** Response?

**Hon Mr Harnick:** I appreciate everyone who took part in this debate and who also offered two-minute responses.

Certainly, Madam Speaker, you're well aware of how these kinds of court openings roll out. But I will tell the member for Scarborough North that this court will be properly resourced.

Part of the way that's done is that the federal government, your cousins who delayed on making this announcement — and we can only go as fast as they permit us — provides the 17 judges. We then take the judges' salaries that are no longer on the provincial bench, because we hope most of them will be elevated by the federal government to the Unified Family Court, and we commit that money to the support services that this court needs, support services that involve education, that involve counselling, that involve mediation.

This is a very important court and I'm very pleased that the member for Scarborough North asked that question about how the court is properly resourced. I'm happy to tell him that because we have had limited expansion in the past, we have learned a lot about how to do this and how to ensure that the court can be up and running within a reasonable amount of time. I can assure the member that what we now have to do is get confirmation from the federal government of our plan to locate these courts in various places across the province. Once that is done, we are hopeful that these courts will be up and running by this spring.

But as I said in my remarks and I think it's very important — and I'm glad the member for Scarborough North, a senior member of the Liberal caucus, is here. We very much need his help to call the Minister of Justice and tell her we need a full expansion of this court around the province as soon as possible, that we can't delay, that we shouldn't have a fragmented system. I ask for his help to call his federal cousin and make sure that we have a proper expansion of the court. So I would ask him to do that.

**Mr Gerretsen:** I'd request unanimous consent to defer our leadoff at this point in time as our critic has had a family emergency today.

**The Acting Speaker:** Unanimous consent to delay their lead? Agreed.

**Mr Gerretsen:** There are a number of comments that I would like to make. First of all, I would like to deal with the issue of these federal appointments. The Attorney General kind of put his finger on it at the end without —

*Interjections.*

**The Acting Speaker:** Order. Could I ask the members to respect the fact that the member for Kingston and The Islands is speaking. Continue.

**Mr Gerretsen:** Thank you, Madam Speaker. The one thing the Attorney General did not mention at all is, why would the federal government not adhere to his request of appointing 22 judges and only appoint 17 judges?

First of all, let me give him a news flash through my immediate contacts at the House of Commons. I have learned that today, as we speak — and I know that normally you only hear this kind of news on the late-breaking news stations — the Senate has approved and referred back to the full Senate third reading of the Judges Act, so that 27 judges across the country and 17 judges here in Ontario will be appointed. I'm glad to pass that information on to you, first of all.

But you know why you didn't get all the appointments that you wanted.

**Hon Mr Harnick:** Because there's an election.

**Mr Gerretsen:** No, no. You know, Attorney General. You're involved with a government that is only concerned about one thing, and that's money. Right? Money.

Let the people of Ontario be very clear about this: Once the federal government makes the appointments, then these federal judges are going to be paid for out of the federal purse. In the totality of things, as far as the general public is concerned, I suppose it doesn't make any difference whether the money comes from the federal government or from the provincial government. But the Attorney General never mentions that. In effect, by the federal appointment process, he has taken 17 people off the provincial payroll, and we know that judges make a fairly good sum of money. That's number one.

He did say, in all fairness to him, that the resources they're saving would be spent in these courts. That's the first point I want to make, that it isn't quite as simple, and he didn't quite give us the complete story in his one-hour speech here today, together with the other members. They talked in generalities, "It's a great idea," but let me say once again it is a great idea that is probably about 20 to 25 years overdue.

At one time, back in the 1970s and early 1980s, I used to practise quite extensively in the family court system and I can tell you from my own experience in dealing with clients that it is an extremely difficult situation for women and their children to deal with the court system.

**Mr Bisson:** On a point of order, Madam Speaker: I am calling for a point of order because it seems that the government has lost quorum again.

**The Acting Speaker:** Clerk, would you check for quorum?

**Clerk at the Table:** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** Speaker, a quorum is now present.

**The Acting Speaker:** Continue debate.

1630

**Mr Gerretsen:** As I mentioned before, certainly to people who are involved in family disputes, by their very nature those disputes are very emotional, sometimes family-destroying, and quite often the only time the women, children and men who are involved in the system have anything to do with any court system whatsoever. To try to explain to them that only certain matters can be dealt with in family court, matters relating to custody and access and support, and not other matters relating to the disposition of family assets, divorce etc is very difficult.



Quite frankly, I don't think the system of justice that we have here and the legal profession as such has done enough to correct that wrong. One system works a lot better for everybody.

It was an enlightened Conservative government back in 1977 that took that first step, when they created the Hamilton-Wentworth Unified Family Court system. I suppose the real question can be asked, why did it take almost 20 years for, first of all, the NDP government to act? I suppose they could say, "We were only in power for three or four years," but it took the system 17 or 18 years before another three or four Unified Family Courts were created.

Now this Attorney General gets up and says: "We want to do it for the whole province immediately. If only the federal government would give us five more judges, in addition to the 17 we're already getting, we could have this system everywhere." He's a highly intelligent man. He knows and I know that even if he wanted to get that system up and running immediately throughout the province and had all the judges necessary to fill these courts under this new system, he couldn't do it, because his track record is quite clear. Look what happened to the Family Responsibility Office, look what happened to legal aid in this province. I could go on and on, but I won't do that at this stage, because I want to stick to this bill.

It is really stretching a long way, when right now we have five Unified Family Courts in Ontario and you've got 17 new judges appointed to that court, to still try to pick a fight with the federal government that, "It shouldn't have been 17; it should have been 22." I say to him, make sure that those 17 courts operate as quickly as possible, and all of us, including him, should do whatever we can to make sure the system expands as quickly as possible throughout this entire province.

It isn't about lawyers and it isn't about whether it's federal or provincial jurisdiction and it isn't about judges. What it's really about is the people who need help in circumstances where family breakups occur. They need to go to one system where their situations can be looked at by one impartial arbiter. The mediation process — I totally agree with that. I know that for years and years lawyers in general were totally against it. I fought it for years and years in my own bar, in the Kingston area, this whole notion of family mediation. I'm talking about the 1970s. "That isn't the way we do it. We do it in an adversarial system," because that's the training that most of us in our profession had.

I am glad to see that finally some of these artificial barriers, this turf protection that we have in many professions in this province, are starting to break down. It can't be quick enough. Whether we're talking about the medical profession, with finally the adoption of the nurse practitioners, or whether we're talking about the legal system, where the paralegals are playing a much greater role now — and you can just go on and on in the various professions — this should happen to a much greater extent, because the bottom line is that the people of Ontario are bound to be better served with a system that is

freer and more open and more understandable. For too long in this province and in this country, professions of all kinds have shrouded things in secrecy and clouds so the general public wouldn't necessarily understand what's happening.

Before the Attorney General pats himself on the back too much, the challenge is now up to him to make sure that these 17 new judges are appointed and the new systems are up and running as quickly as possible. I know the feds are appointing them, but make sure that where those 17 judges will be positioned, the courts will be up and running as quickly as possible, because certainly the record of this Attorney General — and let me say that I personally like this Attorney General. He seems like a very decent and honest individual. But unfortunately, what has happened in his department over the last three years has not been all that admirable.

We still, in my constituency office and I would dare say in the constituency offices of each and every one of us, get more calls about foul-ups in the Family Responsibility Office than anything else, where money is being paid into a system that is supposed to work a lot better than the old-fashioned system used to and money is being paid in, mainly by husbands, and it's not being paid out on time to wives and children who depend on that money on an ongoing basis.

It's not as bad as it used to be and I don't totally blame him. I know it's the government's fiscal policies that basically drove this thing. I'll be the first to admit that. But he has to take his share of the responsibility of closing all the regional offices and having all the files dumped somewhere in Downsview, where for many months they were totally unattended to while women and children were waiting for the money that was being deducted from mainly the wages of the husbands and was admitted into the office and not being paid out. That is a fact.

It's not only in the Family Responsibility Office. Let's take a look at some of the other areas, at what's happening in his departments. I would like him to get up and explain why, for example, he disbanded the police complaints commission last October. Why did he do that? If he really believes in a more open system of justice for the people of this province, why did he get rid of the civilian police complaints commission? Why did he make more cuts to the special investigations unit that operates out of his ministerial offices? Why did he do that? Why did he cut \$1.5 million from the legal services and victim support program just within the last year? These are all programs intended to assist people out there in the system of justice, in the whole judicial system. Why were there cuts made over the last three years of some \$9.8 million in the office of the public guardian and trustee's office? Maybe he could explain that.

In the Criminal Injuries Compensation Board, the budget that looks after innocent victims of criminal activity — and I can remember on behalf of clients appearing in front of that board many years ago; I think it was set up during the Bill Davis years. I was proud at that time that there was a system in place where victims of

criminal activities could go to get compensated for their personal injuries. Do you know what has happened? Some \$1.2 million has been cut out of the budget of the Criminal Injuries Compensation Board.

What's happening in this province is we are retracting from the opening of our judicial system, from providing people with more access to the judicial system. All these cuts that I've just talked about have that one same effect. Let us hope that the new Unified Family Court system works better than certainly the way the system seems to operate in some of the overcrowded courts right now. It all boils down to only thing, and that is that the resources aren't there for the officers of the court and the crown attorneys to properly do their case.

1640

We've all heard of the Rodrigues case, not too long ago, where an individual was killed by a driver who was charged with impaired driving back in June 1996. The case was thrown out earlier this year — I know the crown has appealed it since then — basically because of delay. So I would certainly hope that the new Unified Family Court system that he's talking about, and with which I totally agree, will operate better than some of these courts where this is delay after delay.

Let's talk about one other issue. We're talking about greater access to the court system, and we're talking about how this government always says that the former government increased taxes 66 times or 105 times or whatever, but what are you doing yourselves? Look at the user fees you have introduced into the court system. Go down to the Small Claims Court office and see what it costs now for the average citizen to file their own claim in Small Claims Court, where you're supposed to get quick and expedient justice. The fees have dramatically increased. The more user fees we have in this area, the more the rights of certain individuals to our legal system are being denied.

Let's talk about one other case. The Attorney General is still in the House. Let's talk about what exactly happened in September 1995 in Ipperwash, where, for the first time in the history of Ontario in this century, a member of the First Nations died in very unusual circumstances. We have been calling for a public inquiry on that situation, as has the NDP, on numerous occasions. We have basically been stonewalled because there are still some civil court cases ongoing in the Ipperwash situation, which may take years to resolve. You know what it means: Justice delayed is justice denied. Call a public inquiry now, before all the papers get shredded. We've already heard of a case here where some documentation got shredded.

I say to the Attorney General, do the right thing. Walk into that next cabinet meeting and say: "All right, it has been more than three years now since Ipperwash. All matters except the civil cases are still outstanding, and those civil cases may be outstanding for another five or six years. Let's do the right thing, Mr Premier, and let's call an inquiry into what really happened at Ipperwash."

**Mr Curling:** They must be hiding something.

**Mr Gerretsen:** My colleague here says, "They must be hiding something." Rather than dealing in a world of suspicion, of one-word answers — remember the answer the Premier gave the other day? He was asked, "Will you tell all the ministries involved not to shred any more material?" For the first time ever, he said, "I will." That was a clear-cut answer. We don't get too many of those in this House on a day-to-day basis. The longer you wait, the more people will insinuate that somebody is trying to hide something.

That issue is not going to go away. I can tell you that right now. Not only the members of the First Nation but the people of Ontario want to know what really happened and to what extent the Premier's office or other offices were involved in the operation that happened on that very tragic evening. We live in a civilized society, and people have the right to know what happened on such an important matter as that.

So, Attorney General, don't come in here and basically try to blame the federal Liberals, the federal government, because you didn't get the five more judges that you need. You've got 17 judges now. Get the new Unified Family Court system operating so that for those citizens who unfortunately will have to deal with that court — because they're usually unfortunate situations, in the sense that they're very tragic situations; it's very traumatic when a family breaks up — all their issues can be dealt with at the same time. Get on with it, and for goodness' sake, don't make the same mistakes that you've made with the Family Responsibility Office and many of the other things that I've talked about today.

**The Speaker (Hon Chris Stockwell):** Questions and comments?

**Mr Bisson:** I agree with the point that is made by the member from Kingston about the Attorney General whining, as it might be said, about the federal government's inability to appoint five extra judges here in Ontario. Earlier today was a good case in point. On the one hand, you've got the Attorney General out there saying: "Oh, the federal government is not doing this, and the federal government is not doing that, and my Lord, it's just terrible. We want the federal government to take responsibility and help Ontario." But when this Attorney General has a chance to help the province of Ontario himself, what does he do? He does nothing.

Today during question period our member for Nickel Belt, Blain Morin, raised a point here in this House through a question, saying that in Chapleau they're down to one justice of the peace for that community. He explained, I thought quite rightfully, how it is a real inconvenience for the people of Chapleau to get court services, because they have to travel to either Timmins, Sault Ste Marie or Sudbury in order to get services, because they can't schedule the court there because they don't have a justice of the peace. When there is only one there and the JP is sick or otherwise not available, they're not able to hold court.

The member for Nickel Belt asked the Attorney General to appoint not five but at least one more justice of



the peace so that the people of Chapleau can be served. What did the Attorney General respond to the member for Nickel Belt? "Well, it's not my responsibility. The JP's coordinator is the one who has to make a decision about appointments." Well, I'm sorry, the Attorney General got appointed by Mike Harris to be in cabinet in order to oversee our courts and to make sure our justice system works. When he has an opportunity to do something here in Ontario, to address a problem, he should take his responsibility and do it. I say to the Attorney General, do the right thing. Do what Blain Morin, the member for Nickel Belt, told you to do and appoint a JP in Chapleau.

**Mr Parker:** I listened with great interest to the comments from the member for Kingston and The Islands. He had 20 minutes to speak on the bill this afternoon. Actually, if he had restricted his comments to the bill itself, the speech would have been much shorter than it was, but he did manage to pad out his remarks with comments on just about everything else under the sun, and now and then, here and there, he did touch on the subject matter of the bill.

I have already congratulated the member opposite for carrying the ball on behalf of the Liberal Party here this afternoon, and I indicated that the average IQ of the Liberal caucus has never been higher than it is at present. I'm not sure that the total IQ has been much higher than it is at the present time.

Despite all that, I have to admit that I was seriously disappointed in the remarks from the member for Kingston and The Islands, because I was hoping he would tell us what we need to hear from the Liberal Party, and we didn't hear it this afternoon. Unlike the provincial government, under appointments that are within the provincial realm, where appointments are made on the advice of an independent official who determines whether or not, for example, a justice of the peace is needed in a particular jurisdiction, federally, the federal Liberal government has total control over the appointment of judges at the senior level here in Ontario. The only thing standing between us now and a fully operating across-the-board Unified Family Court system in the province of Ontario is the action of the federal government in failing to appoint the judges we need to staff the courts.

1650

Bill 48 that is before us this afternoon creates the framework, creates the foundation. We need Mr Gerretsen to get his federal cousins —

**The Speaker:** Further comments? Member for Scarborough North.

**Mr Curling:** I want to commend the member for Kingston and The Islands for an excellent presentation, from this point of view: I think first he identified how important this Unified Family Court system is. The importance of it, he says, is for us to co-operate so that we can get an efficient system going.

He emphasized the fact, although with great respect for the Attorney General, that the federal government themselves should all co-operate. Here we are, he makes his

announcement today, making sure that the passage of this bill will go on very quickly and on an efficient basis.

We know of course that there's no other court system in this country that is stemmed with so much emotion and so much trauma as the family court system; no other court has it more than that court, because the entire family sometimes is at risk. The fact is, the more it is spread wide across different divisions, how complicated and complex and dragged out and emotional it is.

I want to commend him for taking the approach, "Let us move forward with this." I think the point he was making, and the member who spoke previously did not get — he was saying he hopes he doesn't mix this up and make a confusion, as he had done in the past, of eliminating things like the SIU. He emphasized, "Please don't go in that direction," because the fact is that we will get into the blaming of one or the other and cutting off services that are needed to have a fairer justice system.

The other comment I very much want to make for the member for Kingston and The Islands: Although a lawyer, he had made the language in the layman's aspect of it so understandable that all the people who are listening will understand what this legislation is all about, how it's going to impact upon them. He emphasized that the Attorney General must continue to make sure that we all understand —

**The Speaker:** Question and comments.

**Mrs Marion Boyd (London Centre):** I'm pleased to have an opportunity to comment on the speech from the member for Kingston and The Islands. I would say to the member, that he doesn't need to be so defensive about his federal cousins. If they have any justification for their delay, first of all, in announcing the increase and then their lack of regard for the request made by Ontario, you need to realize that this is a problem of long standing.

There are real issues around the appointment of federal judges, and they have not changed over some period of time. I'll go into some detail about the experience that we had when we expanded the family court to five locations from the one that had existed for a long time, because what the Attorney General was describing in terms of his frustration around the expansion of the family court is very similar to what I experienced when I was in his position. There are some reasons for that, and reasons that people ought to understand.

The reason it's important in respect to the Courts of Justice Amendment Act, 1998, is that the numbers of judges available to do the work that is there is an extremely important issue around the effectiveness and the efficiency of the courts. It is extremely difficult when judges are not appointed in a timely fashion to maintain that efficiency of the court, and I think that some of the issues around cross-jurisdictional appointments are very much a problem in terms of the overall expansion of this court and should be fully aired without defensiveness on the part of a provincial politician. I expect to comment a bit more on that as I —

**The Speaker:** Questions and comments? Response.

**Mr Gerretsen:** The member for London Centre makes an excellent point, and unfortunately we're down to 20-minute speeches now, or else I would have made that point as well.

What the people have to understand is that it is to be hoped that most of these new federal appointments will in effect come from the highly qualified members of the family court bench that we currently have. Of course, those appointments were all provincial appointments. So basically the federal appointments will now happen from among the judges who were originally provincially appointed.

*Interjection.*

**Mr Gerretsen:** It doesn't have to happen, that's correct, but that's certainly the hope that's out there.

I would just like to return to one issue from the member for East York, who kind of makes it sound as if the appointment system at one level of government is all that much different from another level of government. I hope we don't sort of politicize that too much at this level. Both levels of government, both the provincial and the federal governments, appoint their judges basically through order in council. The final decision, the way I understand it, is made by cabinet on the recommendation of the Attorney General, and the same system applies federally as it does provincially. In both systems there are in effect bodies set up to adjudicate upon applicants who come before this body, and this body makes a recommendation in a number of different ways to the Attorney General. That happens at both levels, which is much better than the system that existed for many years, up until about 15 or 20 years ago.

The people of Ontario should have an understanding of that, to not somehow get the idea that we've got a better appointment system provincially than federally. I believe the system in both cases is much better now than it used to be.

**The Speaker:** Further debate.

**Mrs Boyd:** I'm pleased to have an opportunity to speak to the bill this afternoon because this is indeed a topic that's close to my heart. I want to make it very clear that our party, as we have demonstrated in the past, is very supportive of the expansion of the family court across the province and is very much concerned with ensuring that the kind of integrated services that have been described so fully by members of the government are available across the board.

The reason we are so supportive of that is that we believe very strongly that there is absolutely no sense, either from the person who's receiving the services or from the people delivering the services, to have family members go to two different courts when they are experiencing the trauma of family breakdown.

But even more important than that is the overriding belief that there ought to be family law expertise brought to bear on cases of family law. That's very much apropos to the bill and very much one of the things we are concerned about in the bill. One of the reasons we alerted the Attorney General that we wanted to have an extensive discussion of this bill is the implication of the provisions

in this bill which would, first of all, enable the Chief Justice to rotate general court judges through the family court and, second, the senior regional judges to assign judges in their region to the court.

We are concerned about that because, although the Attorney General has given me his assurance that the intention of the bill is merely to allow the provincial government to expand the availability of the family court more thoroughly, and although I had assurances from both Chief Justice McMurtry and Chief Justice LeSage that it is the intention of the bench that that be allowed to happen, it remains not what is provided in the bill. Those good intentions notwithstanding, the bill in fact permits a rotation without limitation to qualifications in family law and interest in family law from the bench.

I have no doubt, and I want to make this absolutely clear, that the commitment of the administrative judge of the general court, Chief Justice LeSage, is that the people who would be rotated into those positions would be people who have a thorough experience with the family law and the family bar.

When the Attorney General made his comments, he made a commitment to that extent, but then I heard a slight difference. He said that they would "likely" have those qualifications. Then as the discussion moved around to the member for Brampton North and the member for Peterborough and finally the member for York East, it became very clear that there is no guarantee that people who would be rotated into this court have either an interest or an expertise in family law. That is a very serious problem.

1700

The whole purpose behind the family court is to ensure that the people who are making the decisions, the crucial decisions that so affect people's lives in cases of marital breakdown, in cases of custody and access, in cases of child protection, in cases of adoption, would have a thorough understanding of family law, a commitment to the excellent practice of family law and an understanding of the effects of those laws on the lives of the people they serve.

When former Attorney General, now Chief Justice, McMurtry set up the first family court in this province in 1977, he did so because of that commitment that family law is quite different in terms of its emphasis, in terms of its practice, than criminal law or corporate law. He was saying that there needs to be a body of expertise built up, because family law, as we all know, changed very dramatically while he was Attorney General with the Family Law Reform Act and has subsequently changed again with the Family Law Act of 1986 under the Liberal government, and I am sure will change within the next couple of years again to meet some of the problems that have been seen in the current family law.

It's very complex. Family law in this province is extremely complex, and its effect on people needs to be thoroughly understood by those who are making decisions. That is especially true now that the family law rules have substantially changed, because the judges who are hearing the cases become very much more accountable for the



timelines, for the way in which the family law cases pass through their courts. There is quite a burden on those judges to ensure that those timelines are going to be met, to ensure that at each step along the way no one is delaying the cases, a ploy that is well known to happen now, that nobody is using a power differential to try and ratchet the other person in a marital case down in terms of their ability to have the financial support they need, that no one is using the delays as threats around custody and access issues, all very common problems when people are going through a separation.

It's extremely important that those laws be understood and that the purpose of those rules be understood by those who are on the bench, and that they be able to explain to people who are all too frequently unrepresented in the courts how those rules actually operate and what those people seeking justice before the courts need to do to ensure that they are moving their case forward at an appropriate speed.

With the new changes in family support that have been instituted by the federal government in terms of divorce cases, there are very complex issues to ensure that that schedule of benefits is applied equitably to people. Similarly, if, as we expect, there are some changes in the rules around custody and access issues as a result of the current study that's going on, again there will be a change.

What I'm suggesting to you is that family law is evolving quite substantially, as it has evolved over the last 20 years. It is important that the people who are making decisions in these cases be people who have an interest in family law, who have kept up with those changes, who have a clear notion of what it is like to practise law in the family area, who are aware and have participated in the extensive educational sessions that the original trial project in Hamilton-Wentworth insisted were part of the whole process.

When we expanded the family court to London, Barrie, Kingston and Napanee, the same provisions were there to ensure that expertise was constantly built, that there was an obligation for education and re-education around changes to the law, that there was an ability for family court judges to meet together to discuss the changes they were seeing in the clientele they were dealing with, to ensure that that expertise of the bench was appropriate to the changes not only in our society but also of our laws. So that was an extremely important part of this.

I spoke this afternoon with Chief Justice LeSage, who assured me that his intention as the administrative justice was that anyone who would rotate into the family court would similarly have come from a background of family law, would similarly have had experience in administering family law, so that that expertise would not be lost. He further said, and echoed the assurances of the Attorney General, that the idea would be to rotate someone in for a considerable length of time. That's important, because the judge becomes the case manager of these family cases under the new rules, and so the time periods become extremely important. You need a period of time over which you are administering a case or else the problem

that now exists, of cases being bounced from one justice to another, continues, and that was never the vision of the family court.

There is very little of comfort in the bill itself. The bill itself simply gives the Chief Justice the authority to rotate anyone from the General Division into the family court. All that stands in the way of people with little or no training in family law being rotated into the family court is the honourable assurance of Mr Justice LeSage and the current Attorney General.

When we pass laws, we ought not to pass laws that depend on the goodwill and good faith of individuals in the system. So it seems to me that it would be very appropriate to add into this legislation that the Chief Justice may rotate into the family court justices from the General Division, and I would suggest a simple amendment saying, "Provided the justice to be rotated in has an experience and an expertise in family law." If that provision were there in legislation, it would be a great comfort to all of us in terms of ensuring that the family court retains its expertise and the purpose to which it has been dedicated.

I would say very clearly that I believe absolutely the assurances of the current Attorney General and the current Chief Justice who administers the General Division that they themselves believe that expertise should be maintained and that their intention is not to rotate people in who do not have an experience in family law. But it's not what the law says. It's not what this bill says. There is absolutely no limit on the ability to rotate in.

The reason I'm so exercised about this is, quite frankly, when we went through the negotiations and the discussions when we did expand the family court, there were certain senior justices, some of them senior regional justices, who took a very strong stand that in fact that rotation in should be at their discretion.

I need to say to you that, having gone through those discussions, I know there was some alarm at the notion that people would have a specialized court, there was some alarm that appointments to that specialized court would have certain very clear qualifications, because that has not been our history.

1710

We have to look at the history of the appointment of federal judges by both Conservative and Liberal governments over the years. The federal level of government has resisted very strongly any appointments process that has any kind of public accountability. It is better, as the member for Kingston and The Islands said, than it used to be. Indeed, the former Minister of Justice, Mr Rock, set in place some regional advisory committees that look at applications for federal judgeships and make recommendations. But when the member for Kingston and The Islands suggests that there is any kind of requirement for the federal government to appoint people from the provincial bench, that's not the case. There is no requirement.

We tried to negotiate that requirement with the federal government. Indeed, I have some reason to believe that we had some sympathy from the then Minister of Justice, who

had come directly to his post from being the treasurer of the law society of Ontario. But we could not get those assurances. The Liberal government in Ottawa insisted on retaining the right of appointment without fetter that has existed all along. That right to appoint without fetter means that you are often dealing with other issues than expertise and commitment, certainly to the particular area of family law.

We were extremely fortunate — and this is to cast no aspersions on the people who were appointed at the time we expanded that court. All of them have proven to be excellent at their work. But there were other people who were provincial court judges, who had been doing family work, who had a wonderful expertise in that, who we had put forward as possible appointees but who were not appointed, and there were others whose expertise was certainly less evident to us on a provincial level. So we have to be very clear that these appointments very often are made on grounds which are not immediately apparent to the general public.

I would certainly want to hear a commitment from the Attorney General that the Attorney General of Ontario would be negotiating very strenuously with the Attorney General of Canada to ensure that expertise is the basis for any of those appointments and that that expertise is in the family law area. I know that is likely to have continued to be the stance of this Attorney General, as it certainly was mine when I was in the position.

The member for Kingston and The Islands tried to suggest that when the Attorney General pointed out the difficulties of getting the judges appointed federally, that was somehow a red herring. Well, it's not. The commitment to expand the family court in Ontario has been there for a long time. It cannot happen without the appointment of federal judges. I can well understand why the Attorney General expressed disappointment that the request for 22 judges was reduced to 17.

Now, that is a substantial increase, and we really need to understand that it's a substantial increase. And certainly had the Attorney General taken the same position we did, that we needed a dedicated court, not a court that could be made up of any General Division judge rotated in, it would have meant a very severe restriction of the number of new sites or the expansion in existing sites of the family court. There's no question about that. I understand the Attorney General to be saying that one of the reasons for the rotation in of other General Division judges is largely because of this difficulty of needing to expand the resources of the family court further.

I confess I have a lot of sympathy with that, because I think, as the members all around have expressed, the value of the family court is so great that it ought to be available to each of us in the communities where we live. I'm not sure that adulterating the dedicated nature of the family court is the best way to do that, but I know from having spoken to Chief Justice LeSage that it is the only way he as an administrative judge could recommend as a way of expanding the availability of judges.

He had another reason, of course, for this provision, and that is that being a judge in a family court is an extremely onerous case. I know it's very popular for people to think that judges have it easy, but they don't. We heard the member for Peterborough talking about how gut-wrenching cases of family law can be, how painful they are, how difficult it is to make decisions, determinations between two sides that are diametrically opposed. That's what family court judges do all the time. They are exposed to the most highly emotional cases, the cases that are likely to have the longest consequences, in terms of their outcomes, of many of the cases that ever appear in front of federal judges.

So Chief Justice LeSage makes the plea that there needs to be some way to give relief to those who are family court judges. There needs to be some way, when we have a limited number of available family court judges, to be able to let someone take a sabbatical to go and practise another form of law to relieve some of that tension and pressure. I must say I have a lot of sympathy for the need to do that.

This is, as I say, one of those areas of law where the burnout rate is very high. Members of the bench are not exempt from the pressures of members of the bar, and we certainly have heard the Canadian Bar Association and the Law Society of Upper Canada talk about the emotional, gut-wrenching nature of working in the family law area. I myself know a number of excellent, very well qualified family lawyers who have had to leave that area of law, because it is just so difficult to maintain your focus, to be able to continue to do this kind of work in a compassionate way year after year.

I understand the argument of the necessity to be able to rotate in, to ensure that cases proceed in a timely fashion but that judges are able to get some relief. I'm very sympathetic with that, but I maintain my position that this law ought to limit that rotation in to judges who have experience, expertise and commitment to the family law area. Otherwise, the whole purpose of the family court becomes diluted. It becomes unclear that there's any purpose in having it at all, and that worries me a great deal.

I must say that it will be interesting to see what the new sites are that the minister talked about having received requests for, because I know when we expanded the family court there were many good proposals that we could not fulfill. In fact, we were in the position, when we were given fewer judges than we had asked for, of actually having to change substantially the anticipated locations because we did not get enough federally appointed family court judges at the time we were making the expansion. We had to make some very difficult decisions between communities that had proved their readiness and their willingness to work with the bench to create the family court, and had to say no, and that was difficult.

I sincerely hope that the Attorney General will be reviewing some of those applications, those proposals that have come forward from specific areas, looking at the resources that are available in the community, because it



isn't just the court; it is the kind of resources that are available in the community to support the court that make the family court concept really work. There needs to be the availability of mediation and it needs to be mediation that is clearly ethical, clearly aware of balance of power issues that always exist in family cases. There needs to be support and counselling available for children because, as the members quite rightly pointed out, children who are often the pawns in very contentious issues of separation and divorce are marked forever by that experience if they do not have that kind of support and counselling.

1720

When we were expanding the court, that was one of the requirements for a proposal: to look at the community around. Was there a family court clinic? Was there a mental health facility that would work with families who were having difficulty? Was there a family service association available to do some of the counselling? Was the community aware of the kinds of mediation services that were needed in these kinds of cases? Did the court have available to it the resources that it would need? Was the bar in the community welcoming of the family court? All of those things were extremely important.

Equally important, of course, was whether there were the facilities there for this court. Was it a situation where the very sensitive nature of family cases, the security of women and children in particular, going to court for family matters would be protected, or was the court facility in which the cases were to be dealt with such that they would necessarily be rubbing shoulders with those accused of criminal offences and appearing in adult court? Those were real concerns that were expressed.

Again, I want to be very clear that my worry here is not in any way reflective of my confidence in those who are currently administering the family court system and it is not in any way questioning the sincerity of the Attorney General in terms of his commitment to ensure that the family court retains its expertise and its dedication. I am saying the law does not provide for that. The law provides for expedient administration.

In a time when our courts are extremely stressed with respect to resources, in a time when they are pressed with respect to time limits in terms of getting their work done in a timely fashion, at a time when the Attorney General has lost millions and millions of dollars from the court administration side of his budget, the temptation to take the expedient route, to rotate judges to meet the administrative needs rather than the justice needs of the court, has got to be there and that's why I'm so concerned about it. In fact, I'm much more concerned about another area of this act and that is the decision not to maintain young offenders matters in family courts where they exist.

I am well aware that there was always opposition from the provincial court bench to moving young offenders affairs into the Unified Family Court. I have the scars to show for that resistance. There were many excellent — and there continue to be many excellent — judges sitting on the provincial bench who have taken the time and the trouble, who have the compassionate view of young

offenders, who have made it their job to determine the best way to ensure that young offenders who come before their courts in fact are changed in their way of making determinations of what they will do, that they are treated in a way that rehabilitates them rather than sends them even further into the criminal morass that often we see. I'm not questioning that at all. Many of those judges who saw that focus in young offenders work, who were provincially appointed judges, were most distressed when our government insisted that if we were going to have a Unified Family Court, that Unified Family Court ought to be dealing with all the issues that affect children and young people, not just some of them.

We heard an impassioned speech from the member for Peterborough about the extreme difficulties that young people facing the family court have, talking about their pain and the difficulty they have, the loneliness they feel, the pressures that they're under, talking about the need to have a compassionate place where their issues can be heard, and I agree with him, absolutely.

But those children he was talking about are the same children who often appear before the courts in criminal matters under the Young Offenders Act. Overwhelmingly the statistics show that young people who come in conflict with the law are frequently children who are or have been in need of protection of the courts, are frequently children who come from homes that have not been supportive of them, that have been broken, are overwhelmingly children who have been physically or sexually abused. These are the children who come before the family court in family court protection cases, sometimes in adoption cases, sometimes as crown wards, sometimes as the children who are being used as pawns in custody and access cases.

They're the same children. We hear the member for Peterborough treat these children with great compassion when he sees them as victims, but then we hear the members of the government claim these children are not worthy of compassion if they come in conflict with the law. They're the same kids with the same problems.

Overwhelmingly children who get in conflict with the law are troubled children. They are far more likely than the rest of the population to have come before a provincial court or a family court in an area of custody and access, child protection, as a crown ward or in a case of separation and divorce. They're the same children, and yet several times this afternoon, once in answer to a question from the member for Etobicoke-Rexdale, once in a petition from the member for Lambton, we heard the long litany about how we should throw the book at young offenders, that they were not worth the kind of compassion and the kind of rehabilitative services that ought to be available to them.

There are levels of hypocrisy that this government has descended to that amaze me daily. But this is among the worst. It is extremely difficult to imagine that a government, on the one hand, can cry crocodile tears about the same young —

**The Speaker:** Member for London Centre, you can't accuse the government of being hypocritical. It's out of order.

**Mrs Boyd:** I can't accuse them of that, Mr Speaker? I can still think it, though, I trust.

**The Speaker:** Hold on. You must withdraw it. I don't want to —

**Mrs Boyd:** I withdraw.

**The Speaker:** Thank you.

**Mrs Boyd:** It is an irony — may I use the word "irony," Mr Speaker? It is an irony that the same government talks about the same kids in two different circumstances, one with compassion and one with the most vindictive, the most desirous of punishment tones that one can imagine. These are the same children.

The reason we insisted that as the family court expanded, young offenders matters would come before the same judges who had expertise in the problems that these children faced and would make judgment on their actions on that basis — it was a very well-founded decision.

1730

Now, I know what the problems are. The problems were evident from the first. Certainly the provincial court judges realized that a huge proportion of their work would disappear, and since we couldn't get any kind of commitment from the federal government that they would appoint from the pool of experienced, dedicated, committed provincial judges, we couldn't get any assurance to that effect, it meant that there would indeed be some problems in terms of the workload and in terms of the interest of provincial court judges. Certainly that has been expressed on any number of occasions in the areas to which we've expanded the family court.

It was quite clear from the beginning that Mr Justice Steinberg, who had headed up the family court in Hamilton-Wentworth where the court had been set up, had been designed, had its facilities arranged only to deal with family matters and with child protection matters, was very opposed to bringing Young Offenders Act offences into his court, and he had some real reasons for that. It wasn't a particularly secure position. He was worried about the way in which those facilities could actually be used appropriately, and I certainly understood that.

We didn't insist that Young Offenders Act offences be heard in Hamilton-Wentworth, but we did say that as we expand the family court, this is the ideal: to have the expertise around children's needs that we heard described so clearly by all the members of the government available in the youth court as well. They're the same kids, in many cases.

But, you know, it would fly in the face of this government's position on law and order. This government not only sees unions as the enemy, this government clearly, with its crime commission, with its daily exhortations of the federal government to adopt a much more punitive attitude towards young offenders, wants to target youth crime as another political hot button for their next election. We all know that.

We all know that the rhetoric around community safety, the rhetoric about youth violence, has very little basis in the statistical fact. I know how annoyed the Solicitor General gets when people start talking about what the actual statistics for crime show in the province of Ontario, and I must say that the entire government gets furious when anybody brings forward what the actual level of imprisonment, the actual level of conviction, the actual level of charge of youthful criminals is in the province of Ontario. They get very agitated because of course they want the people of Ontario to believe that youth crime is increasing hand over fist, that all of us are in danger in our homes, in our streets, and that the target of this is youths and that the Young Offenders Act, which has been in effect fully since 1986, is to blame for that. Of course, they really get offended when anybody talks about the reality of the situation.

We know that the number of youths charged with criminal activity is relatively the same in 1996 as it was in 1986. The number of youthful criminals charged is the same. We also know that there have been some changes in balance. The government is quite right to express some concern about a statistical increase in the number of youth who have been charged with, and I'm putting this in quotation marks, "crimes of violence," because any time we see violent criminal activity increasing in our communities we should all be concerned. That's a valid concern for us.

But in order to know what the statistic means, we have to look at what the charges were for and what level they were for, because of course we have levels of the crime of assault, we have levels of the crimes of murder and manslaughter, and those are the kinds of crimes that we almost always think about when we think about violent crime. Sexual and physical assault, attempted murder, murder, manslaughter, all the various levels: That's what most of us think of with violent crime.

In reality, the proportion of that increase in youth crime that is attributable to first-level assaults — in other words, assaults that don't cause bodily harm, that are not with a weapon. They are the greatest number of increased charges. Why? I'll tell you why. Because our government put in a policy around safety in the schools. We knew that parents needed to be clear that there was some mechanism to deal with young people in schools who were being violent. That was a very clear need that people were expressing. We made it clear to people running schools, to the education authorities, that it was important for them to look at the criminal law proceeding, the criminal justice system, as one mechanism to stem that increasing tendency for people to use their fists or to threaten or in some cases to actually use a weapon. Nobody thinks that's appropriate; nobody does.

It is always interesting, when you look at crime statistics, to look at what the policies of the government of the day are and how those policies change the charge rates. When the government of the day took strict action on drunk driving, the number of charges in drunk driving rose astronomically. We all know what the result of that



was: the Askov case. The backlogs in the courts because the government of the day and the subsequent government took very seriously the matter of drunk driving — the number of charges laid grew enormously, and our courts became clogged. They did not keep up with the number of prosecutors that were needed, the number of judges that were needed. Similarly, when the Peterson government began to get serious about criminalizing wife assault and sexual assault, many, many more charges were laid in those areas, and that further crowded the courts.

Any time a government takes an action that criminalizes an offence or raises public consciousness and police consciousness and court consciousness about the seriousness of a particular crime, you see an increase in the charges. When we look at the relatively modest increase in youth charges, even for what's included in a very amorphous title of "violent crime," we know the policies of government, taking more seriously minor assaults, taking more seriously minor sexual assaults, was very instrumental in increasing that charge rate. It had very little to do with an increase in the willingness to be violent of young people.

We also know there's another reason why crime increases. That, of course, is the general determinance in society of security and health. We know that when people do not have an adequate income, the temptation to engage in criminal activity is much higher, particularly if there are no other alternatives or seem to be no other alternatives to get access to the things that one needs. So in some cases we see that being a basic need that needs to be met.

We know that more and more children live in poverty all the time. Just this afternoon we were trying to get the Minister of Community and Social Services to understand that since she took office, 50,000 more children are having to use food banks because they don't have the basic necessity of food available to them. So poverty is an issue. When this government decided to reduce the family incomes of welfare recipients by 21%, you can bet that put a lot of pressure on those families to try to provide for their children the things that (a) their children may have been accustomed to, or (b) their peer society expected them to have.

1740

We also see young people faced with an inability to get a job. We know that youth unemployment is much higher than the unemployment of adults. Both are horrible and ought not to be tolerable in our society, but official youth unemployment is at 16.2%. But that's the official rate. There are many young people, particularly young people between the ages of 12 and 18, who know how difficult it is to get a job, who aren't even counted in those statistics because the statistics are based on people actively seeking work who come to the attention of Statistics Canada.

Many young people, as we all know, make informal approaches around jobs, make informal efforts to earn money, make informal efforts, like babysitting, like helping out an elderly neighbour by shovelling their walk or cutting their grass. Those don't even appear in the statistics and yet those kinds of jobs are not as available to

people because the homeowners, given all the changes in property tax, user fees and so on, don't have the ability to pay someone else to do that work. There is a diminishing capacity in our society to provide young people with job opportunities.

But at the same time, these young people are faced with huge peer pressure, a society that is extremely consumer-oriented, where young people's self-esteem is often tied up with what kinds of shoes they wear, what kind of label is on their T-shirt, what kind of jacket they have, what kind of sports equipment they possess. The temptations for young people, the conflict for young people who live in poverty in their families and yet who try to keep up with their fellow students in school can be quite excruciating. Yes, some of those young people turn to crime and become part of the statistics, particularly in terms of shoplifting, petty burglary and that sort of thing.

We know we have a society that is teaching children to be more violent. The average child today, because they watch the number of hours of television that they watch, observes an incredible number of murders, beatings and fights that certainly my generation didn't see in the same numbers. Violence is lauded in terms of the popular movies that young people see; in fact, the more violent the better. Yet it's an unrealistic kind of violence because there's seldom any message to young people about the effects of their violence, about the consequences of that violence.

We are consciously allowing our children, the whole cohort of children, to have a normalization of violence in their lives that wasn't true a generation, two generations, three generations ago. It's commonplace, and that is and has been identified as a very real problem in terms of the moral decision-making of our young people. The person they saw shot dead yesterday in this show is alive and well the next day in another show and it's very hard for many young people to understand that death is a very final thing, because they very often live in this unreal world that's portrayed in the various forms of the media.

We know there have been some celebrated cases, most particularly in the States but some here, where that kind of lack of understanding about the finality of actions resulted in very serious crimes by very young people. We can change that, of course, by changing some of the rules around how we allow that to happen. Quite frankly, given that young people live in that kind of world, the government's allowing people of age 12 and over to carry guns absolutely amazes me. If indeed, as the crime commissioners keep telling us, we live in such a violent society, wouldn't we be trying to keep guns out of the hands of those violent young people? That's where some of the irony of the contradictory positions of the government comes in. It's very clear that this focus on law and order doesn't extend to issues where any person with, dare I say it, common sense would know you don't encourage children to participate in anything that has to do with violence, and frankly, guns will always have to do with violence for me and I'm sure for a lot of people.

Back to this issue of young offenders being dealt with in the family court. It is an extremely important matter, because if young people have extenuating circumstances, if they have entered into some form of criminal activity because of those extenuating circumstances, who better than experienced family court judges, who have focused their legal attention and their life's work in dealing with those same problems? Who better to make the decisions in the cases of young people? Of course that is counter to the law and order focus this government wants to have. We know that this government, although it pays lip service to things like community policing and so on, really doesn't want very much attention given to the very creative work that many of our police services are doing in terms of prevention of crime, in terms of working with their communities to look at a more restorative justice system, a justice system that's going to result in people changing their ways, changing their minds.

We know that they don't want much publicity about the alternative kinds of sentencing that might happen or the participation of lay people in the sentencing process of young offenders.

We have a fabulous example of an alternative system for sentencing in our community, a sentencing circle made up of citizens which, quite frankly, invariably comes up with a much tougher kind of requirement of a youthful offender to rehabilitate them, to help them understand the consequences of their crime and the hurt and pain they have caused their victim, in fact the effect they have on all of us when they commit criminal activity.

But this province, first under the Conservatives when the Young Offenders Act came in, and subsequently now, with this focus of the crime commission on youthful crime, has refused to look at the rehabilitative possibility of the Young Offenders Act.

They are in direct contrast to their colleagues in Quebec, who welcomed the Young Offenders Act, put into place all the kinds of supports and systems necessary to ensure that the Young Offenders Act resulted in lower recidivism, much lower recidivism, in Quebec than we have in Ontario. The Tories in the early 1980s insisted first of all that they would obey the letter of the law in terms of separating young people from adult prisoners, but of course they separated them, after age 16, within the confines of adult facilities, without special training for correctional officers who were looking after them and without the kind of rehabilitative programs.

I know, because I sat on Management Board, that the Solicitor General's ministry consistently came forward suggesting that they didn't need section 27, school teachers in young offenders facilities. That was a budget saving that they were prepared to make, even though all of us know and all of the experts' information we have is that young people, if they're going to change their behaviour, if they're going to become useful citizens, more than anything else need to have education. We know that the educational success of young people who become engaged in crime is often much lower than the average educational success within the province and that they very often don't

have the reasoning tools, the decision-making tools, even the literacy tools they need to be productive citizens. Turning to crime becomes a way of life when you don't have the tools to make you successful in any other way.

#### 1750

The government constantly tells us that youthful criminals need to have tough judges who throw the book at them, but the reality is that we already have that. We already have in Ontario a much higher incarceration rate than the average across the country, a much higher conviction rate and incarceration rate. It's really important that we realize we are not going to succeed in making young people change their ways simply by locking them away and taking away their privileges and, if we look at the boot camp situation, destroying what's left of their low self-esteem in the first place.

Let's look at what happens in young offenders cases in our courts now, the majority of which are provincial courts, the majority of which are the courts that now, this government is saying, will always be looking at youthful offences.

In Canada, 80% of the cases — and that varies from year to year, but it's always around 80%; sometimes as high as 83% and sometimes as low as 79% — in the youth courts are for non-violent offences, where violence is not a part of the picture. In the cases where there was a finding of guilt, Canada-wide 33% of those young people received a sentence of custody. That's higher than it was before the Young Offenders Act came in. When the Juvenile Delinquents Act was in place, the incarceration rate was 30%. So we're looking at already a higher rate of incarceration where there's a finding of guilt, in all of Canada. But what's the situation in Ontario, where the highest number of incarcerations happen per charge? Well, the sentence to custody in Ontario in 1995-96 was 42% of cases where guilt was found, and we find that is already an increase from 1991-92, when 36% of cases were incarcerated.

If anyone tries to say that judges aren't being tough and that nobody's being tough on young offenders, listen, the figures don't bear you out. The figures don't bear it out at all. Ontario is much more likely to incarcerate a young offender than any other province except Prince Edward Island — I wonder if that's why the Attorney General from Prince Edward Island was here conferring with his colleague today — and we are much, much more likely to look at young offenders in a harsh way. We have not set up the kinds of programs that have been set up in other provinces to deal with young offenders. Judges, frankly, don't have the alternative in many parts of our province of assigning someone to community service programs that really are focused on rehabilitating them, are focused on restorative justice.

That is not true, for example, in Quebec, where those kinds of programs have operated ever since the Young Offenders Act came into play and where young offenders are treated as young people who have made mistakes who need to be corrected, not punished — a very big difference.



But this government wants to use this as a hot political button, so it doesn't want people talking about that and it certainly doesn't want any impression that we understand that most of those youths who commit criminal acts in this province, the vast majority of them, are youths who have already had problems which have or ought to have led them to the attention of the family court, either because of child protection issues or because of familial problems they have.

I am disappointed, I am dismayed. I understand entirely about the administrative drive that the bench and the bar have around maintaining sentencing of young offenders in provincial court. I would urge the government to rethink that. I urge the government, as it has support, as it manages to wrest support for an expanded family court out of the federal system, to revisit that issue to ensure that all matters that deal with children and youth appear in an experienced family court and that we make every effort to persuade the federal government (a) to appoint a sufficient

number of judges to the family court, (b) to appoint those judges from the excellent, trained, dedicated provincial bench, which already has a lot of the expertise that is needed in the family court, and (c) to not water down the expertise of the family court by simply using expedient means to deal with its backlog by rotating General Division court judges into the family court.

Particularly as the court system is squeezed more and more and more by the financial drivers, which obviously are, as the Attorney General suggested, bottom line in many of these justice issues, we will find that the family court will lose its very special position. So while we all here are supporting the family court, we have to know that the seeds for its destruction lie in this bill, and it is a very serious matter that we are discussing today.

**The Speaker:** It now being 6 of the clock, this House stands adjourned until 6:30 of the clock.

*The House adjourned at 1757.*

*Evening meeting reported in volume B.*

## STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY COMITÉES PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE

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## Legislative Assembly of Ontario

Second Session, 36<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 22 October 1998

Jeudi 22 octobre 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 22 October 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 22 octobre 1998

*The House met at 1830.*

### ORDERS OF THE DAY

#### HIGHWAY 407 ACT, 1998

#### LOI DE 1998 SUR L'AUTOROUTE 407

Resuming the adjourned debate on the motion for second reading of Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs, and stimulating economic activity through the sale of Highway 407 / Projet de loi 70, Loi visant à intéresser le secteur privé à améliorer l'infrastructure des transports, réduire la circulation engorgée, créer des emplois et stimuler l'activité économique par la vente de l'autoroute 407.

**Mr Gilles Bisson (Cochrane South):** On a point of order, Madam Speaker: Our lead speaker was supposed to have asked for unanimous consent to split his lead between himself and myself. I'm wondering if we can still do this at this time. That would use the remaining 29 minutes.

**The Acting Speaker (Ms Marilyn Churley):** Are you asking for unanimous consent? Is that agreed? Agreed.

**Mr Bisson:** Thank you very much, Madam Speaker. I wouldn't say it is with a great amount of pleasure I have an opportunity to speak on this. The government has introduced this legislation fairly early here in order to be able to move towards the privatization of Highway 407. Just to put this into context, I would like to go through a couple of issues vis-à-vis how the Highway 407 deal was structured so that people understand what exactly the government is doing here.

The first thing we have to remember is that back in the early 1990s, during the time of the Bob Rae government, the government, under the leadership of Bob Rae and his minister at the time, Mr Pouliot, decided that it was important to develop Highway 407, a project that had been sought after for many years here in Ontario. Being that Ontario was in the midst of a recession and being that the government did not have the revenue coming in that it normally gets, especially at the time of recession, it was pretty difficult, and we had looked at different and innovative ways to be able to move ahead capital projects, for a couple of reasons.

First of all and foremost because Highway 407 was a road that was needed to take off some of the pressure that

we have on Highway 401 going across the centre of the city of Toronto, but also at the same time it was thought, and I still believe this today, that in a time of recession when government can put on infrastructure projects such as the construction of Highway 407, you are creating much-needed jobs and you're injecting cash that's much needed into the economy.

In this particular case, Highway 407 cost \$1.4 billion to construct. That meant that 20,000 jobs were created over a period of three years, 1993 onwards, while the highway was being built. It meant that contractors locally had work. It meant that suppliers supplied equipment, parts and various materials for the construction of this highway. All in all, it was a good project.

I remember at the time it was decided we were going to construct Highway 407, on the one hand, I, as a member of that government, felt very happy that our government was going forward with the construction of the highway. I was, however, a little bit disappointed that we had to go the way of a private consortium in order to raise the dollars to actually get that project off the ground. I remember caucus meetings where we had discussions on that, and my good friend from Fort York was there as well. I was of the view that I would rather have done it strictly from government coffers in order to do it. The problem was, if that was the case, we wouldn't have had the money to do it and that highway would not have been constructed even today. So we decided, and the decision was made by the cabinet of the day under Bob Rae, that a private consortium would be formed and the consortium would be used to help finance the construction of Highway 407 at a time of recession here in Ontario.

As you remember, that consortium was called the Canadian Highways International Corp and they got together with a number of companies, put together a proposal that eventually was selected as the way to build that highway. The idea and the way the deal was structured was quite simple. They would, first of all, finance this particular highway to the tune of \$1.4 billion through private dollars and they would then operate the highway for a period of 27 years by way of tolls. Eventually, when they recouped their investment at the end of the 27 years and made a return on that investment, they would turn the highway back over to the province of Ontario — all in all, I think a deal that was good for the private sector.

It gave the private sector an opportunity to be involved not only in the construction of the highway — normally it is always the private sector that constructs our highways



here in Ontario — but also a way for them to be involved in a different facet of the highway transportation system here in Ontario. In order to finance this, if that private consortium, Canadian Highways International, would have had to go out on the money market itself to raise those dollars, the interest having to be paid on a \$1.4-billion project is fairly significant. The interest that you would have to charge on that money is fairly significant. In order to reduce the interest rate that the consortium had to pay, we basically set up the Ontario Transportation Capital Corp that secured the loan and lent the money to the private consortium and they were able to get, because the Ontario government had secured that loan through the Ontario capital corporation, a more favourable interest rate that saved some dollars.

Anyway, here we are a few years after the construction and the opening of the highway and now the Harris government says: "Well, Bob Rae, that was a good idea. You built that highway. You got it constructed in record time. You created many good jobs here in Ontario while it was being constructed and we have now a number one freeway across the northern part of Toronto called the 407."

It seems that the Harris government is not happy just with the idea of having the private sector involved in the construction and the operation of that highway. They've now decided that they want to sell it. You have to ask yourself the question why the government would want to sell this particular highway. You have to recognize that never, as I understand it, and maybe somebody will correct me later, has anyone ever sold a highway in the province of Ontario. I'm a little bit worried about what the precedent would be once the government moves forward and actually transfers over by way of a sale the property and the ownership of a provincial highway. You have to ask yourself the question, what kind of precedent does that set in Ontario?

I ask the question, and I want to look at the legislation a little more closely. I don't know the answer to this question, but it's one that I want to find out. When they do sell the highway, will the province of Ontario be transferring over title of the land that the highway is constructed on or are they just selling strictly the infrastructure of the highway?

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** The answer is no.

**Mr Bisson:** I've been told that the answer is no. I'm glad that is the case, because if you hadn't done that, I would certainly be raising that issue at committee. But it raises the question, why is it that the government is selling this highway? I think for a couple of reasons.

Philosophically, I think this government has a belief that the private sector is better at absolutely everything. They can make sliced toast, they can make jam, they can run hospitals, they can run highways more efficiently than anybody else in the world. I have a problem with that view because I think government can actually do some things pretty darned well and has a pretty good track record over the years of actually running some very good systems

through the government itself. But ideologically, the government says, "If it moves, get rid of it."

**Mr Rosario Marchese (Fort York):** Privatize it.

**Mr Bisson:** Sell it. We'll put it on the auction block and we'll transfer that over to the private sector and somehow or other we're all going to be better in the end. I wonder as an Ontario taxpayer how I'm going to be better once this highway is sold.

**Mr Marchese:** You just don't know yet.

**Mr Bisson:** I don't know yet, my friend from Fort York says. I just don't know that the government is trying to make us buy this thing, a pig in a poke.

I look at this year. The province of Ontario, as the deal is presently structured, is going to get the highway back in 27 years' time. We know that after the highway has been utilized for now another 25 years and that the proper maintenance has been done on that road, that highway is going to be transferred back to the province and back to another part of our transportation infrastructure.

If the private sector gets it, how is that better for me as a taxpayer? What do I get? Does it mean that overall I'm going to benefit in some way as an Ontarian? I say no. How the heck are you going to benefit? In the end the consortium will keep the highway, and do you think they're going to take those tolls off at the end of 27 years? Do you think they're taking this highway just for the good of it? Do you think they're going to turn around and they're going to say, "No, we're not going to" —

**Mr Marchese:** If there's money to be made, they're going to take off the tolls?

**1840**

**Mr Bisson:** That's the point. It means in perpetuity, if these people buy the highway. They're not going to be taking the tolls off Highway 427 at the end of the 27-year contract. They're going to keep them there.

*Interjection.*

**Mr Bisson:** Yes, Highway 407. My mistake. I apologize. Highway 407, not 427, but who knows? Maybe they will sell Highway 427 as well. But the point I make is, am I any better off at the end of the process if the government privatizes this highway? Just on the fact of the tolls, the answer is no. I'm not a big fan of tolls, to tell you the truth. I do not in any way like the idea of toll highways. At the time that we did it, I was a little bit upset, actually.

**Mr Marchese:** Me too.

**Mr Bisson:** Along with my friend from Fort York. But in the end, it was done. The point I make, and I'm not going to dwell on it, is that the government is going to sell this to the private sector. They're going to try to tell us that somehow we're going to be better off because we will have gotten rid of this debt we have in the province, to the tune of about \$1 billion now, and that somehow we're going to benefit at the end, overall, with this particular move that they make. I say no.

Yes, we will eliminate part of the debt we have at the Ontario capital corporation, I don't argue that, but in the end it means that the private company is going to have to make a profit. They will not take the tolls off those roads, by any stretch of the imagination. What they will end up

doing is, they will leave the tolls on and they will charge motorists what the market will bear when it comes to roads.

The second thing it does that I don't think benefits Ontarians in the end is, does this mean the government might possibly think of selling other roads? Who knows? I don't know the answer to that question. If the government turns around and says, "We're going to sell Highway 407," what's to stop the government from saying, "We're going to sell part of Highway 11, or Highway 69, or Highway 401, or Highway 2"?

What do we know? We know they've transferred a whole bunch on to the municipalities. This government, in its zeal to get rid of the responsibilities they have to maintain in this case a good highway infrastructure and in its zeal to move things away from the public sector into the private sector — there's nothing that tells me they're not going to start selling parts of highways around the province.

I have to ask myself the question, how am I going to benefit in the end, as an Ontarian, if the government steps up this precedent? I don't think we benefit. I think that in the end we need to recognize that the province has a role to make sure we have a good transportation infrastructure when it comes to highways. The only way, in my view, you can ensure that is by keeping it all as one system, as one network, not a bunch of separate networks of highways, some owned by AZ Highways, or in this case Canadian Highways International, and the other parts owned by Ontario. I think it has to be a network that is whole, that is publicly owned, that is operated by the province in a way that is in keeping with the standards, in keeping with the policies we set out in Ontario.

I want to ask my good friend the minister responsible for privatization across the way this particular question: Why is it that the government has brought this legislation to privatize Highway 407 ahead of when we're going to have anti-lobbyist registration in the province?

**Mr Marchese:** Coincidental.

**Mr Bisson:** Is it coincidental?

*Interjection.*

**Mr Bisson:** It's just a fluke. He's saying it was just a fluke. I just wonder about that. The government on one side is telling us in a debate here about a week or two ago that they were introducing a piece of legislation that would make sure you would have to register lobbyists. The government is saying, "We have to make sure that everything is on the up and up and we have to make sure there's no perception that people are going to profit from the actions of the government by way of lobbying for favour, either by way of contracts or by way of changing public policy."

It's interesting that in one of the biggest sales that this government has undertaken to date the government decides they're going to get all this done before they install and proclaim their legislation having to do with lobbyists. I wonder, is that a fluke? Is that a situation where the government may be doing that by design? I really wonder. I would want to know from the minister a little bit later, when he has an opportunity to respond, why

they didn't first of all make sure they had their lobbyist registration in place, on the books as a statute of the province of Ontario, and then move towards their privatization scheme? I wonder why they don't do that.

I would make as a suggestion that at the very least you don't allow this legislation to go past second reading until after you've passed your legislation having to do with lobbyist registration, to make sure that everything's on the up and up. I want to make sure. I believe that the government in the end wants to have this on the up and up and they want to keep it straight. If that's the impression you're trying to give, especially vis-à-vis this particular boondoggle, the sale of this highway, it would be a lot better that you wait a little bit. Before you get to selling it, you should at least put in place your lobbyist registration.

The other point I would like to go back to that I think is in keeping in this particular debate is privatization. We have seen the government, by way of example, when it comes to the Ministry of Transportation, privatize the highway maintenance contracts here in Ontario. Just as in this legislation, the government back then was telling us what they're telling us now: "Trust me, this is going to be a good deal. We're going to save dollars. It's going to be more efficient. Our highways will be plowed" — they told us back then — "without any difficulty." They told us they would save more than 10% on the maintenance of our highways across Ontario. They told us it was all going to be better. Now they come in the House today and introduce legislation to privatize the 407, and they tell us it's going to be a better thing.

Let's go back and look to see what happened with highway maintenance in Ontario over the last couple of years. You know what? I remember asking the question of Dave Johnson, the then minister of Management Board.

**Mr Marchese:** He's busy right now.

**Mr Bisson:** He's reading. He has probably got fan letters from some teachers somewhere.

**Mr Marchese:** He's responding to the Hamilton board of education issue.

**Mr Bisson:** Oh, that's what it is.

I remember asking the question of the minister, "Minister, if we are able to show that in the end the privatization of the highway maintenance contracts, going over to the private sector, doesn't save us money, will this government stop the privatization of highway maintenance?"

The minister stood here in this House and he said: "Of course. If we don't save" — I think he said 6% or 8%; I forget the exact percentage. He said, "If we don't save 6% or 8% overall from what it used to cost us to do it ourselves, we will not go ahead and do this, because it will not be a good thing for Ontario."

**Mr Marchese:** What happened?

**Mr Bisson:** You know what? It's more expensive.

**Mr Marchese:** That can't be. He said it was different.

**Mr Bisson:** I know. I believe I'm confused, because I know the minister is an honourable man, and I know the government would not want to say a falsehood in the House. Of course not; the government wants to tell it the



way it is. The problem is, when you look at the books, the two things don't line up. On the one hand, when they introduced the initiative to privatize the maintenance of highways, the government said to us: "We're going to save 6% or 8%. Look at all the money we'll save. We'll be able to save dollars and reinvest them in education" —

**Mr Marchese:** In health.

**Mr Bisson:** — "and put them back into health care. We're going to be so much better." Then they told us: "Oh, the highways will be better than they were before, because you know those public sector workers, they couldn't get it right after all these years. The private sector guys will fix the problem. They'll make sure that everything runs fine."

We find out now, when we start looking at the area maintenance contracts in places like Chatham and other places, it's costing us more money. Do you know how they did it? I've got to tell you, because this was a really fine piece of work that the Tories put in place. They signed a contract that, if you looked at it on the surface, showed that it costs about the same amount of money as when the government used to do it themselves, but hidden inside the contract, further in, there is a section that says you can put additional charges back to the Ministry of Transportation for work done in reconstructing, you know, damages done, posts being knocked off the side of the road when the plow goes by, or potholes being fixed on the highway. They can charge those back to the ministry without even tendering, without any kind of a bid process; up to a certain amount of money, they can do it. Now, when we start looking at the fine print —

**Mr Marchese:** That's how they fixed it, in other words.

**Mr Bisson:** That's how they fixed it. They went to their private sector friends and said: "Don't worry, we'll put it inside the fine print. You'll make some more money. Don't tell anybody."

Then what's up happening is that we find out now, when we get the documents back after we FOI things, that in fact it's costing us more money than it was before.

**Mr Marchese:** So they manufacture consent. They manufacture this big story.

**Mr Bisson:** There you go, exactly. It's the government of manufactured consent. That's a good way of putting it.

But I've got to tell you, I don't think Ontarians should buy a pig in a poke, the privatization of Highway 407. The government is trying to say now: "This is going to be better. We're going to save all kinds of money. We'll be so much further ahead."

**Mr Marchese:** The same old story.

**Mr Bisson:** The same old story. But when you look at examples of where they have privatized, we're finding it's not the case.

**Mr Marchese:** It's a boondoggle, is what it is.

1850

**Mr Bisson:** I want to come to that point. My friend Rosario Marchese from Fort York says it's a boondoggle. You know what? That's exactly what this is all about. This is about the Tory party of Ontario saying, "We want

to create business opportunities for the private sector." What does that mean? It means there are some people who are going to make themselves a few dollars real quick.

**Mr Marchese:** Are we talking a few bucks? A lot of money? What are we talking about?

**Mr Bisson:** Put it this way: It's so much money that the private sector will make that you will not be able to fit it in this billfold. I can guarantee you that. You're talking about opportunities for people to really get in on what will be a big cash cow.

**Mr Marchese:** A bit wallet is what we're talking about.

**Mr Bisson:** A huge wallet. I say to the government across the way that you shouldn't be doing this. You shouldn't be going out privatizing those things that quite frankly are a necessity for the way we do business in Ontario and the way we work as a province ourselves. Highways are important for us.

I want to get back to the highway maintenance contract issue. There's one thing I wanted to touch on that. They had told us when they did this that it's going to be cheaper and, as I pointed out, we're finding out that it's actually more expensive. One of the other things they had told us was that once the private sector gets in, the competition in the private sector is going to create a climate that will keep the pressure on costs down.

You know what? I've got a document that was given to me last week by somebody from within the Ministry of Transportation. I can't say who it is. The poor soul thinks they'll lose their job if I ever said who it was. I'm just putting this information together. When you look at the Ministry of Transportation prior to the area maintenance contracts, they used to have a system where 50% of the work on average was done by ministry equipment and 50% of the work was done by equipment of the private sector. In other words, they would bid out. The reason they did that was quite simple.

The ministry would keep equipment — plows and graders and backhoes and excavators, all the equipment they needed in order to maintain and do work on highways — and they would have their equipment so that they had the ability to respond and to do what needed to be done. But more important, from a business perspective, they said, "If we have the ability to go out and do that work ourselves, it keeps the private sector a little bit keener when it comes to sharpening their pencils to put in bids because they know that the ministry can do it themselves."

So you have a healthy system of competition between the public and the private sector that quite helps. You have the private sector coming in with their expertise and offering their services to supplement what the government was doing, but the government's having equipment keeps the contractors a bit more competitive when it comes to price.

You know what we're starting to find out now? They sold off all the equipment. It's all gone. They fire-saled it. They sold some of this stuff 10 cents on the dollar. It was like: "We've got a deal for you. Come on down, my pal Al, we're going to sell you a snowplow." You know what?

They were getting that stuff 10 cents on the dollar in some cases — equipment that the province paid through the hard-earned money of the taxpayers of Ontario.

**Mr Marchese:** They gave it away.

**Mr Bisson:** They gave it away. Some of the stuff they were selling off was like 10 cents on the dollar in some cases.

**Mr Marchese:** Isn't that a boondoggle to you?

**Mr Bisson:** It's the biggest boondoggle I've ever seen, because who has benefited out of the privatization and the sale of that equipment is the first issue. Not the taxpayer. The taxpayer didn't even get what the stuff was worth. Not only that, when they did sell the equipment, rather than doing it as they did before where you're able to go and bid in your local MTO yard, they shipped everything off to a place in Toronto and had some private contractor do all the selling off of equipment through some sort of auction system, and we ended up paying the transportation cost to get that equipment down to be bid on.

Not only did we not get the dollars at par when it came to selling the equipment and benefiting from that, we had to pay for the transportation to get that stuff down. But here is the interesting part. This is the one that really gets me, because I remember being in this debate with my pal Al when we were going through this and I said, "Al, if you allow the private sector to control all the equipment for highway maintenance, such as snowplows" — we'll just use one piece of equipment — "and the Ministry of Transportation in some areas have no equipment to respond, the private sector is going to say, 'Got you where we want you.'" Then, when they come in to renew their contracts, you're going to say: "Equipment prices now are not what they used to be before. There's a big demand, so the price has gone up."

What we're starting to find now is that some of these renewals, the equipment charges that the private sector is bidding back into the government, are much higher than they used to be when we had a hybrid system of public-private sector equipment competing against each other.

**Mr Marchese:** But the public doesn't know this.

**Mr Bisson:** The public doesn't know. The people who know are the people who are making money off it. I'll tell you who else knows: the workers who lost their jobs. There are scores of people within the Ministry of Transportation who, because of this initiative, lost their jobs. Some of them, the government says, got jobs with places like IMOS. They did well, they say. Do you want to see how well they did? They said, "You go work for IMOS and we'll guarantee that you'll only get a 20% reduction in wages when you go to work for the private sector." They said: "The private sector's smarter. They know how to do it. They're better operators." They're not better operators; they pay their workers less money. That's how they save money.

**Mr Marchese:** Competitive.

**Mr Bisson:** Very competitive: Just keep them down.

I say on behalf of those workers, shame on this government. We had a good system in the province of Ontario that was balanced between the private and public sectors

competing against each other in some cases to do the work. We had the quality of work being done by ministry staff. Now we're moving more and more towards a private system that in the end doesn't respond. I hear stories, not only where I live but in different parts of the province, in the way the staff was dealt with. It is really despicable, some of the stuff they've done.

I look at Mr Hopcroft and other ministry staff people up in my area who had 28 and 29 years of service with the ministry, who were just thrown out like an old shoe. They basically were told, "You go to IMOS, and if you go to IMOS you're going to lose whatever rights you had when you were with the Ministry of Transportation." Not a good way to deal with staff.

I want to get back to the 407. I only raise this other issue around highway maintenance with the point of saying we've heard it before. You on the government side have told us that the private sector is better, the private sector is smarter, and the private sector is going to do everything much better for us and save money. I believe the private sector does have a role to play; I really do. But I'll tell you, one of the things we need to ensure is that there are some controls about how you do things. What you're doing in this particular case is transferring things over holus-bolus, and in the end there's really not going to be a benefit for the people of Ontario.

If the government wants to do something positive when it comes to trying to find ways to give the private sector an opportunity, I would say there are better ways to do it than you are doing here, because in the end it will be the taxpayers of Ontario who will come up on the short end of the stick.

C'est toujours intéressant quand on vient à cette Assemblée et on a la chance de discuter les projets de loi du gouvernement. Dans cette instance, on voit un gouvernement qui nous dit qu'ils veulent transférer cette route au secteur privé; ils veulent donner l'opportunité au secteur privé d'acheter cette route. Mais quand on regarde aux chiffres, c'est pas mal évident ce qui va arriver. Il va y avoir du monde qui va faire de la grosse argent, les amis de M. Harris et autres —

**M. Marchese:** Il y en a beaucoup.

**M. Bisson:** Bien, pas autant qu'il avait avant. Ça commence à diminuer.

**M. Marchese:** Les gens qui ont de l'argent.

**M. Bisson:** Les gens qui ont de l'argent, oui.

Mais ce qui arrive, c'est que ceux sur l'autre bord de l'équation, les contribuables qui paient pour le système, commencent à revoir qu'ils vont avoir de moins en moins d'opportunités dans l'Ontario de M. Harris.

Dans cette situation avec la 407, le gouvernement nous dit qu'on va profiter, ils nous disent que nous les contribuables, on est en avant de l'échelle quand ça vient à cette situation qu'ils organisent avec la 407, mais avec toutes les autres, on va voir que le gouvernement était mal et que nous, dans l'opposition, on était bons.

**The Acting Speaker:** Questions and comments?

**Hon Mr Sampson:** I want to thank my colleagues from Cochrane South and Lake Nipigon for their very



lively debate and presentation. I'm always entertained, at least, by the two gentlemen who have spoken.

I want to comment, if I can, briefly on a couple of points. The member for Lake Nipigon gave us a very long and interesting story about how the previous NDP government was forced into proceeding with the construction of this highway in what they felt was a public-private partnership, and in doing so felt the best way to raise funds to finance this was to do it on the backs of the taxpayers. The story he spun was that they felt they had to do that because when they compared the interest rates between public debt and private debt — I think at one time he referred to a section of the *Globe and Mail's* Report on Business; I think that's a subscription he has on a regular basis — he said: "There are two different rates being charged here. The government rate is cheapest, so therefore the government should build the highway."

If you really look at that statement, it runs to the core of what he and the other members of his NDP caucus truly believe in, and that is that government should be running everything. If you believe the theory that he tried to tell us here, if indeed government has the cheapest source of funds, then government should be doing everything in this province. In fact, you should nationalize every entity that borrows money in this province, because clearly government would be able to raise the money cheaper. I don't know whether the member really meant to say that, but that's where his comments were going.

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The member for Cochrane South says he believes there's a role for the private sector to play. We do too, and we think we've properly structured it in this, like we properly structured the role for the private sector to play in the tree nurseries we sold, where there's going to be a \$10-million investment as a result of our privatization initiative, yet you closed them.

**Mr David Caplan (Orillia):** I'm pleased to follow and I congratulate my colleague from Cochrane South for his comments. It's interesting that this government's officials have acknowledged that there are standard administrative policies related to public accountability when you buy assets. They are there to protect the public interest. However, and I would stress this is a very big "however," there are no specific regulations ensuring public accountability and a publicly accountable process in the sale of an asset, the sale of something the size of Highway 407, and that's really substantial. So how is the public interest going to be protected?

As the member for Cochrane South spoke about, the legislation is fairly mute. All it says is "Trust me," from a government which has shown it's totally untrustworthy when it comes to health care. It makes all kinds of grandiose announcements; we discover six months later with a lot of public pressure, when there's a crisis with emergency rooms bursting at the seams and long-term care is a total mess, that they are only prepared to act then, only when the light is shone in those very dark corners. So these "Trust me" arguments just do not hold any water.

When the Minister of Education stands up, he says, "Trust me, this will create more apprenticeship positions," or lower class sizes, or more money in the classroom. Those have been proven over a very short period of time to be just plain wrong. So it takes an amount ofchutzpah to be able to say "Trust me" to the public of Ontario.

For maintenance or toll rates or expropriation for expansion, all the issues involved, there is no guaranteed protection of the public interest. That is the single greatest flaw in Bill 70 and why the government needs to act.

**Mr Marchese:** I congratulate my friend from Cochrane South, who has highlighted a number of important points. The biggest comment around this that he talked about is, "This is a boondoggle." Who is this a boondoggle for, except the private sector friends? They've got quite a few, because when they have their \$1,000 fundraisers or \$500 fundraisers, it's not Uncle Joe who goes to those fundraisers; it's these kinds of friends who are privatizing our public roads who go to them, and these are the very people who profit from these measures that M. Sampson, the minister of privatization, is involved with.

He says, "These guys on the other side say they want the government to be running everything." Good Lord, not everything, but essential things. Health is something we should be controlling, not private insurance. Education is something that belongs to the public sector, not private schools. And public roads belong to us. It is a public asset that does not belong in private hands. That's what the member for Cochrane South spoke to.

Once their friends control these roads, they control the tolls. The tolls go on forever. They don't cease, because that's the way they make money. Who are they trying to help in this regard? It's not me; it's not their Tory friends at the lower level, misguided as they are. It's not them; it's the big boys, the ones with the big bucks.

The member for Cochrane South pointed to this wallet. This is a little wallet; you can barely fit \$20 in here. We're talking about their friends with big pockets, big wallets. They are the ones who will profit from this bill, not me, not the general public.

**Mr Ted Chudleigh (Halton North):** It was interesting listening to the comments from the member for Cochrane South. In listening to him, a lot of his comments dealt with how things were in the past, the great system we had in the past in Ontario.

My memory of the past is fairly lucid still. I remember the jobs that were disappearing in Ontario, the 10,000 jobs that disappeared in Ontario throughout the 1990s, and that was the old system. That was the system we had, which was destroying jobs.

I remember our school system in the 1980s and 1990s. In some cases, it was graduating up to 20% of students who couldn't read and write. That was the past. That was the legacy you left for Ontario.

I remember the hospitals in Ontario in those days, when hospital beds were being closed. Year after year of closing hospital beds and continuing to maintain the cost of those things.

*Interjection.*

**The Acting Speaker:** Come to order. Member for Oriole.

**Mr Chudleigh:** I remember that happening in what was the past in Ontario. There was no future in that past.

I also remember businesses moving out, no fewer than 16 businesses in the industry I was in, food processing.

**Mr John Gerretsen (Kingston and The Islands):** Margaret says they're all moving out of Mississauga.

**The Acting Speaker:** Member for Kingston and The Islands, come to order.

**Mr Chudleigh:** They either closed down or they moved back to the States because of the oppressive policies of the past —

*Interjection.*

**The Acting Speaker:** Member for Fort York.

**Mr Chudleigh:** — that your government in those days seemed to revel in.

*Interjections.*

**The Acting Speaker:** Opposition, come to order now.

**Mr Chudleigh:** Not today.

I also remember people from all over Canada moving to Ontario, not for the job opportunities but for the welfare payments that were 40% higher than the other nine provinces. It was disgusting.

If that's the past that you want for Ontario's future, you will have no support from this side of the House. In fact, I doubt you'll have any support from most people in Ontario. The past is not where we want to go. We want to go into the future, and, believe me, Ontario's best days are ahead of us.

**The Acting Speaker:** Member for Cochrane South, you have two minutes.

**Mr Bisson:** "Chutzpah" is the word I have to sum that up with. The member for Halton North tries to make us believe that everything that was in the past in Ontario was a dark cloud. Why is it that Ontario, up until this time, has always been the best place in Canada to live? It's the most prosperous province. It is a province where most people do very well.

But I look back, and the member talks about the past, and we had a better system of health care before Harris came to government; I agree. We had a better system of education before Harris came to government, and we had students who had less student debt before this government ever came to power. We had emergency wards that were operating before Harris government came to power. So I look at the past, and the past was actually not a bad thing as I compare it to what Harris is doing today.

I've got to comment, because the minister said it's because the NDP wants to nationalize everything under the sun. Not at all. That's not what we're saying. You're saying that the government should run everything. Not at all. But I'll say, like my friend the member for Fort York, government has a role to play, and government runs hospitals and the health care system better than anybody else. You just have to take a look at what happens between us and the United States. Never mind the issues of accessibility to good health care services for citizens,

because we know we lead in Ontario and in Canada over the United States, but if you look at the cost of our system as compared to the United States, the Canadian Ontario model is a much more effective and efficient system when it comes to how much it costs us as compared to the United States. Why is that? Because we socialized the cost, because we have decided that the government does have a role to play when it comes to health care and we have learned that we can do that much better when we socialize the cost and socialize the responsibility for running a system that is efficient and responds to people and not to people's profits. So, yes, I believe the government has a role to play, and it should.

**The Acting Speaker:** Further debate?

**Mr Chudleigh:** Madam Speaker, it will come as no surprise to you tonight that I speak in support of Bill 70, an act to offer Highway 407 for sale to the private sector.

The government may not be in a position to fund the remaining construction on this vital link for years to come. In order to ensure the timely construction and the best possible financial deal on Highway 407 for the people of Ontario, we have an obligation to test the market for private sector interest in this project.

This government has been particularly good at following through on our promises, a fact that I'm very proud of. Today we fulfil another promise, a promise made last February to offer Highway 407 to a fair, open and competitive sale process.

It is my belief that such a sale will most quickly ensure this necessary piece of infrastructure is built. It will help the flow of goods and people, thereby stimulating growth and creating jobs in Ontario. However, it's important to remember that we will not simply give this asset away. Ontarians have contributed \$1.4 billion to this project, and it is imperative that they receive in compensation a reasonable return on their investment.

In addition, the sale of Highway 407 would remove an encumbrance that could inhibit our ability to deliver further on tax cuts or reduce our ability to make necessary investments in health care, education and perhaps community safety.

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In any sale, our requirements, and thus the requirements of Ontarians, must of course be met. First, any potential buyer must complete the highway with extensions to Burlington in the west and a connection with Highway 35/115 in the east, with provisions to complete the link, the bypass, all the way to 401 in the east.

It's interesting that this was not provided for in the initial tendering of the highway. If you're going to build a bypass, it should reconnect with that section of road that you're bypassing. Yet this road didn't do that. So I wonder how much thought went into the process when it first began.

This construction needs to start no later than next spring, assuming legislation permitting it is in place. We must complete the highway to secure our future prosperity. While jobs will come with construction of the highway extension — many jobs — those jobs are temporary. The



real benefits of the highway are the long-term jobs gained and maintained through improved transportation links and cheaper access to goods and markets.

The western highway extension greatly affects my constituents in Halton North and businesses also located in my riding of Halton North. Many of these businesses, such as auto parts manufacturers, warehouse operators and farm enterprises, rely on quick, easy access to business partners in the greater Toronto area.

Also, many of my constituents commute to jobs in and around Toronto. Although Georgetown, Milton and Acton are thought of as bedroom communities, it's interesting to note at this time that more people drive into those towns to go to work than drive out. So although commuting is important, these communities have built an industrial infrastructure of their own.

The extension of Highway 407 will help ensure continued prosperity for all of the greater Toronto area. Business is booming in Ontario, and we have to make sure the infrastructure is in place to keep it that way. Already Toronto is being choked by a serious lack of new transportation infrastructure, and Halton is fast becoming a bottleneck at the western end of the GTA. Mornings now when I come to work, quite often the 401 is gridlocked.

Past decisions to stop development of the eastern portion of the Gardiner Expressway, for instance, have contributed to some industries pulling up stakes and leaving the area, not because they don't want to do business or be located in the GTA but because they pay too high a price for an inefficient highway network. They can't get their raw products in and they can't get their finished products out in a reasonable sort of way.

Transportation links that do not quickly and easily allow raw materials in and that hamper finished products from being shipped out are almost worse than no infrastructure at all. Without good transit links, businesses would not have flocked to the greater Toronto area in the past. Now, thanks to years of inaction, many companies are stuck with huge investments in land and buildings which are now stranded behind gridlocked streets. This gridlock adds to the cost of doing business and ultimately cuts into our standard of living. It's time for us to catch up in order to secure our future and develop those future jobs that Ontario needs and deserves.

Imagine the poor economy we would have and the bleak economic future we would now be facing if those before us did not have the courage to complete Highway 401. Imagine, if you will, the robustness of our economic life if transportation through and around Toronto was not an issue. Consider the impact of trying to compete in the world economy without modern communication equipment and the true value of modern, updated transportation links becomes apparent.

This gap on economic growth must be loosened or established industries will look elsewhere for their expansions and new investment. Economic growth will bypass us here in Ontario because our biggest engine of growth, the greater Toronto area, will not be able to

handle any more. We need this highway and we need it now.

In any potential sale of Highway 407 it is absolutely necessary to ensure it is completed and then used to its full potential by all Ontarians.

In any sale of Highway 407 we must ensure that fair tolls are charged. My colleagues will likely agree that any private operator will and should try to increase the use of the highway in order to maximize their profits. I expect variable tolls, based on time of day and day of week, will be charged. Given that there is a parallel public route, optimum fairness exists in that people choose for themselves which route to use and the user pays.

It is also important to remember that with Toronto bidding on the 2008 Olympic Games, important transit links like the 407 are necessary if Toronto wants to avoid the logistical mess that occurred in Atlanta, Georgia, the site of the 1996 summer Olympics.

One of the potential sites for competition in those 2008 games is in my riding and lies close to the route of the 407's western extension. Hendervale stables is a well-known equestrian venue and is growing in reputation and is one of any number of businesses which will benefit from the highway extension. This extension will also help enhance their bid as being easily commutable to Toronto.

In comparison, in most of northern Europe and also the eastern United States one can travel to probably within 20 minutes of most locations, virtually anywhere in those areas, on a four-lane divided highway. It's essential to an industrialized country to have and maintain these types of connections.

In addition, the timing of this sale is such that a foreign investor might see the value in purchasing a major asset in Canadian funds. Our substantially undervalued dollar promises that such an investment will only rise tremendously in relative value.

The second of our requirements in this potential sale is safety. I understand that the Ontario Provincial Police will continue to patrol the highway to ensure safety standards are met by drivers. I fully expect that in any sale design standards will be met or exceeded on portions of the highway yet to be built and construction standards will be maintained in the face of a demanding schedule for completion.

**Mr Marchese:** Speaker, on a point of order: There's no quorum in this place.

**The Acting Speaker:** Clerk, could you check and see if there's a quorum, please.

**Acting Clerk at the Table (Mr Douglas Arnott):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Halton North, you can continue that thought.

**Mr Chudleigh:** I want to emphasize that the sale of Highway 407 is the type of creative solution not often seen in government and should be applauded.

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**The Acting Speaker:** Questions and comments?

**Mr Gerretsen:** As I said in an aside to the member, his speech could have been written about anything. It could have been written about the kind of Ontario we want, and I totally agree with him, but it had absolutely nothing to do with the public interest and this particular road in Ontario.

He was talking about there should be fair tolls charged on the road. I drove it the other day from the 400 to the 404 and about a month later I got a bill for I think it was \$1.25 plus about \$5 in administrative charges. I figured that little portion of about 10 kilometres on that road cost me about \$6. That certainly didn't sound like a fair toll to me. That's not a fair toll to me.

There is absolutely nothing in the legislation that will show you how the tendering process is to be done. If you look at the legislation, the road could be sold for \$1, \$5, \$10, \$2 billion, whatever. There's nothing in the legislation that deals with that. It is one of those "Trust me" pieces of legislation. "Just go for it and trust us. We will do the right thing."

We in Ontario know you cannot trust this government. Look what they've done with health care: Emergency rooms being closed clear across this province; the Premier making a fool of the Minister of Health here earlier this week. He's handing out a cheque to one hospital here in Toronto and saying she's writing up the cheques for the other hospitals in her office and that's why she couldn't be there for the ceremony of turning over the cheque.

No, we don't trust you. We don't trust you with health care, we don't trust you with education and we certainly don't trust you with selling the infrastructure of Ontario.

**Mr Bisson:** Again, chutzpah. The member for Halton North gets up and the first thing he says is: "We kept our promise. This is another example of how we kept our promise."

I want to remind the government of some of the promises they made in the election of 1995. Do you remember what they said about education? They said not one cent would be cut from our system of education. They would make sure that the money was spent in the classroom. How much have they taken out? They've taken over \$1 billion out of education since they've come to power.

They said not one cent would be cut from our system of health care. They promised they were going to ensure that all the hospitals in Ontario would be made whole and would be made safe. How many hospitals do they plan to close in the province of Ontario? I think we're at something like 27 hospitals that the government of Ontario is closing.

I'll tell you about chutzpah. One thing about this government is they've got a lot of chutzpah because they stand in this House and they're out there repeating the lines they've been given by their communications people who are not very close to the actual facts — as a matter of fact, they're very far away from the facts — and they try to make that gospel.

The other thing I want to say is the member talks about tolls and how he hopes, and he assures us, that tolls at the

end of all of this exercise are going to be very okay, there won't be a problem, they won't go up. Then why don't you have anything in the legislation that would regulate the price of tolls once the highway is transferred over completely? Once the private sector gets it, they can decide to do what they want with it. Are you regulating the tolls in any way? They're not being regulated in any way.

What you're going to do is allow the private sector to determine what the market will bear. That's the belief of the government and we understand that, but don't come here and start telling us that somehow or other the tolls on Highway 407 are magically going to go down. If anything, they'll go up because they'll have to pick up the cost of buying the highway and the financing over a longer period of time.

**Hon Mr Sampson:** I want to thank my colleague for Halton North for his interrupted but I think quite eloquently delivered presentation. I know he has a lot of concern about this particular transaction because his residents see the highway in just about every aspect of their daily lives as they move around their area. It's a highway that's frankly very important for the people in the Halton region, whether they be in the north part or the south part. It's important for the people in the Hamilton area. It's important for the people in the Durham area and the York area. It's important for the people in the city of Toronto and certainly for the people in the Peel region of this province. It's important because it's a crucial part of our infrastructure, which is required to allow goods and services and people to commute back and forth.

This government will never agree on philosophy with the previous government. A member last night spoke very eloquently about how we might disagree on how to get to a certain destination, but we might all agree on the same destination. We'll never agree with the NDP on the particular philosophy as it relates to this highway, and I acknowledge that.

I understand that the Liberal Party has not caucused this particular piece of legislation yet. I'm still waiting to hear from the Liberal Party a definitive position on this particular bill, and I'm sure we'll hear that as the debate unfolds.

But I say to my friend opposite, who spoke about a tolling structure: I agree, whatever the charge was, \$6 for whatever it is you travel and then for how long you were on the road, is not appropriate. But what we really have to do is get the road in the hands of private people who are more likely to respond to concerns like you have about the pricing of the road and make it affordable so that more people will travel.

**Mr Caplan:** I think I'll pick up where the minister left off. If it's not up to the government to make sure that people aren't being gouged through the tolling costs, whom is it up to? Is the private sector somehow going to look after it? If the minister acknowledges that this particular government has fallen down on that responsibility, why is the member so confident that the private sector is going to do any differently?

It's very interesting that there is just this recurring theme: "Trust me. Trust me that this is going to happen." I



think that time and time again Mike Harris and his government have shown you just can't trust them. They break their promises. Look at tuition, for example. Tuition would be 25% of the operating costs of a university. On average, it's 35%. At Nipissing University it's 53%. "So trust me." The students of Ontario certainly don't trust the Tories. Patients in Ontario don't trust the Tories. They've seen their hospitals close. Four hundred residents at Riverdale Hospital don't know where they're going to go to get their health care. "Trust me," say the minister of privatization. "Trust me," says Mike Harris and the Tory caucus. Baloney. You can't trust Mike Harris. You can't trust the Tories. They just haven't proven themselves worthy of that trust.

It's very interesting, and it was brought up in an earlier comment, that they're going to move this legislation through before their so-called lobbyist registration. So we have the possibility for this backdoor, backroom wheeling and dealing. There's no guarantee how this is going to be monitored. What's the value? How do we ensure that taxpayer public interest is protected in Ontario? The government is silent. All they say is, "Trust me."

**The Acting Speaker:** Response, the member for Halton North.

**Mr Chudleigh:** I thank the honourable members for their comments. The member for Kingston let us know that he drove on the 407 and paid a toll for it, which is what happens on a toll highway. However, on this particular toll highway you have a choice. You can drive on the 407 or you can drive on the 401. That is your choice and you pay for that privilege. You made your choice, an individual choice. You didn't have to pay that fare. That's the way that system works. It's a user-pay system and it's fair to the taxpayers of Ontario. It gives people a choice.

The member for Cochrane South was also concerned about tolls. Again, a private sector operator of this highway will intend to maximize his return on that highway and he will do that by increasing traffic. As so often happens in the private sector, when you put on a sale, when you lower the price, you increase your revenues and you increase your profits. That toll deal that the opposition seems to be so concerned about may turn into the best thing that ever happened to Ontario taxpayers.

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The member for Mississauga West, as might be expected in this House, said some very kind things and I appreciate that, especially from Mississauga West. For some period of my life I made my home in that lovely community and quite enjoyed living there until they built all those houses and I had to move back out to the country.

But the member did say one interesting thing. He talked about expecting a definitive position from the Liberal Party. I thought to myself, "Now there's an oxymoron if I've ever heard one in my life." However, I look forward to that same definitive position, at least on one issue, that the Liberal Party may come to in Ontario.

**The Acting Speaker:** Thank you. Further debate?

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to join the debate on this bill. I'd just say to the

public that one of the reasons we are suspicious of this bill is that the government has been caught playing games with the finances of the province. I'll just go through a few things that have happened recently, and you'll know why the Liberal caucus is suspicious of this bill.

First, the Provincial Auditor forced the government to change its books. He forced the government to take \$1.6 billion off its books — forced it to. We've now found out that we have two sets of books. We have the budget and we have the public accounts, two completely different sets of books. Just about a week ago we were here in the Legislature and one of the Conservative members said: "We're very proud. When we inherited the government, when we won the government, we found two sets of books." We find now that you're back to two sets of books. We found yesterday actually, at what we call estimates, where in the estimates the government says, "We're spending \$1.1 billion on teachers' pension" and in the budget they show \$61 million. I said: "How could it be? You're showing two completely different numbers." "Well, one is one accounting system, one's another accounting system."

I'll give you a third example: Ontario Hydro, a crown corporation under the direction of the government. The auditor has now found that Ontario Hydro has not used proper, generally accepted accounting procedures but has used a unique authority they've got called the rate-setting authority to write off \$6 billion in expenses that they had no right to do if they used generally accepted accounting principles.

Finally, I'll use the school capital. The government has proudly announced a new school capital program. Essentially, every year we'll spend \$400 million as school capital, but we'll only show an expense of one twenty-fifth of that. That is a total debt-creating machine. It is a perpetual debt-creating machine.

The members may say, "Why are you suspicious of this bill?" There are four recent examples. The Provincial Auditor forcing the government to change its books to the tune of \$1.6 billion — he wouldn't have signed the report if you hadn't done that.

I want to go over our concerns on this bill, which are significant. First, I'll say we are enthusiastic about the completion of 407. We understand and are very supportive of the need for a good infrastructure. Our auto sector is what is driving the Ontario economy. The most important page in the budget for me was where the government shows that exports are now 46% of Ontario's economy. In 1990, they were about 28%. They've gone from 28% to 46%. Over half of that is auto and of course 90% goes to the US. We need an infrastructure that will allow us to compete on the just-in-time delivery service necessary for the auto sector, and a huge part of our auto sector is located in the Durham area — Oshawa and things like that — so we need a good infrastructure. The issue is not whether the 407 should be completed; it's how it should be completed.

I want to go over the concerns we have with this bill. First is that the government has yet to show us the

advantage to Ontario for the private sector to own this thing outright. The previous government had initially planned that the 407 would be built with private sector financing. I thought it was a good idea to have the private sector finance the project and to build and manage the project. That was fine.

At the last minute there was a change made and the private sector did not finance it. I thought that was a mistake, but that is one way to complete this. Say to the private sector, "We will take bids" — and by the way, I'll talk about my second major concern in a moment — "from the private sector to finance this thing and to build it and to have control of it for a period of time, after which it reverts to the public."

That's the first question. What is the advantage in selling this forever to the private sector? The government has refused to spell out that advantage, other than the fact we hear now: "We've got a low Canadian dollar. We think there are some US guys who will want to come up here and, at bargain-basement prices, buy our highway." That's what the government members just said. "With the low Canadian dollar, this is the time when those Texas oil guys can get up here and buy our highway."

You may get a good price for it; in fact, you probably will. But I want to know the long-term benefit to the Ontario consumer to sell it off.

Recognize what we're selling here. What we are selling, what they are buying, is what's called a stream of revenue. What these buyers will say is, "How many cars and trucks a day is Ontario going to get on to our road and how much can we charge them?"

By the way, whoever buys this will have an unfettered right to set the tolls and an unprecedented collection agency. There's no company in Ontario that has the right to collect the revenue, and if you don't pay it, you lose your licence. This is giving the private sector a terrific club that no other private sector company has. You'll have a gun to the people's head, saying, "Listen, you pay up or I'm going to tell the government to take your licence plate off."

What we're selling here is Ontario consumers' tolls, and we're selling them to the highest bidder. I want to know, because you haven't told us that — as a matter of fact, the annual statement of this transportation corporation is the most unusual financial statement I've seen. It has no income statement on it. There are business people in this room here. Would you ever approve a financial statement with no income statement? I think not. The reason is they refuse to divulge the tolls.

I say to the minister, who is here tonight, and I appreciate that, you tell us what you expect the annual tolls to be on this road and you tell us what you expect the value of this thing is, and then you'll begin to get support, perhaps. You tell us what happens five years from now to tolls. Is it unfettered? That's going to be the marketplace; just let it happen, let 'er rip. Okay. I just want Ontarians to know that.

What is the advantage to Ontario of selling forever? I just heard today it looks like it'll be some offshore buyer

using the big American dollar to buy this thing. All right, you're going to buy our 407, you'll own it forever and you can set the tolls forever. What's the advantage of that?

I know one advantage is you may get a little more short-term cash for it doing that than you would if we put this out to tender and said, "Listen, private sector, build this, finance it, and for a 20-year period you will have the rights to the tolls, but after that period of time it reverts to public ownership." I just want to know, what is the advantage in selling this thing forever?

Why are we so suspicious of this government? I went through earlier that the Provincial Auditor caught the government and said: "Listen, I'm not going to sign those books if you're going to do what you did in the budget. You're going to have to change that." They forced the government to take \$1.6 billion out of the books from 1997-98.

The school capital thing that's going on is, in my opinion — and the Ottawa Citizen had it right in the editorial. They said these are the accounting methods that Mike Harris attacked Bob Rae on, and now we're going back on it.

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The Hydro situation that I talked about: You look in the books, in the public accounts, and you'll find the government prepaid one firm \$500,000, put it in last year's books for services that are going to be performed this year and next year. It's a good way to fiddle the books but it's not a good way for the public to understand the finances.

Here we are, the government says, "Come on, Liberals, sign on, sign the bottom line." We're buying a pig in a poke. There would be no business person who would ever sign this deal without knowing these things. Will you make the contract public? The answer right now is no. The public won't see this thing. The government will just sign the deal and keep it —

**Mr Marchese:** How come?

**Mr Phillips:** My colleague said, "How come?" Because they are too embarrassed to make this public. Here's what the government wants the Liberals to do: "Come on, sign tonight, sign this thing. We want to know, will you sign it?"

I say to you, first, will you commit today to making the document public? Will you do that? Second, will you spell out for the people of Ontario what is specifically the advantage of agreeing to sell this thing forever? Why have you not looked at the option of saying, "We will put it in private sector hands for a 20-year period of time and then it reverts to public ownership"? Because this thing, believe me, could be an absolute gold mine. Imagine if 30 years ago the government of the day had sold the 401, sold it off to the Texas barons. There wouldn't be enough transponders around to handle the traffic.

By the way, I've said I have, in principle, no objections to the privatization of things. I don't have a philosophical problem with privatization — it's all around us — but I do want to know the answers to these key questions. I want to know, how will the public in any way have any



protection on the toll issue? Make no mistake, the area around the 407 is going to get more and more congested. That's just the way it is. But we, for now and forever, are going to sign a document that says that without any scrutiny, without any opportunity for any public input, the tolls will be set by the Texas baron who owns the thing.

We're going to also say that the public has no right to look at the sale document. The public has a billion and a half of their tax dollars into this thing, but they're going to have no right to look at the document that outlines the deal that you're going to make with the private sector.

The advantages to the public of turning this over — and after all, what we are essentially doing is saying to somebody, "We've got a bunch of Ontario residents who have to get from point A to B and they're prepared to pay money and we're going to sell that to you." That's what we're selling. We're selling nothing other than that. I think the public is owed an explanation on what are the advantages of that over the alternative of saying, "Let's simply put this out for bid to raise finances."

This isn't a question of whether the 407 should be built or not built. Of course it should be built and of course it will be built. The question is, what is in the best long-term public interest?

I go back to the Ontario Transportation Capital Corp. There is not one word in here on their financial statements about how much tolls they've brought in. I don't know whether the road is being phenomenally successful or whether it's a white elephant. You can't tell from this financial statement.

**Mr Gerretsen:** That can't be right.

**Mr Phillips:** It shouldn't be right, but it is right. Those are the financial statements.

As I say, the public, particularly those who will be impacted by this — and that's everybody, I might add — are owed some answers from the government. Maybe because Mike Harris says, "I want to do this," the government caucus is prepared to say, "Yes, sir, I'll do it," but we're not. We want those answers on the key issues of what the long-term public advantage is to a private company owning this road for the next 100 years, over the alternatives. The 407 did get built; it's two thirds open right now. It certainly is a fine road to drive on, and I gather the tolls are coming in. Tell me the advantages of those two options. They haven't done that yet. Tell me, will you make this document public, or is this going to be another backroom deal cooked up among the financiers?

As a small aside, I've always worried about who's looking after the public interest here. I've said this publicly before and I'll say it again. Ontario Hydro is now in the process of enormous change. There will be many new private sector generating plants built in the province of Ontario. One of our major financial institutions, a well-regarded institution, very successful, whose role it is to finance these private sector developments — guess who went on the board of Newcourt? The chairman of Ontario Hydro, Mr Farlinger. Mr Farlinger is a well-regarded, well-respected business person in the province of Ontario, make no mistake about that. But here is Mr Farlinger, the person who is trying to help Ontario Hydro through the

transition, and then I see in the paper a big announcement that he's on the board of Newcourt finances, whose job it is to raise money for private sector organizations that will, among other things, develop things like power.

This requires the utmost in transparency and the utmost in public disclosure, yet the document is essentially rife with, "The minister will make the decision. The final decision will be made by the minister," and the documents won't be public. So if you wonder why we, and I believe the Ontario public, are at least skeptical, it's for those reasons. Clearly, as we head into an election — there will be an election some time in the next few months, and the government is furiously trying to get the books dressed up so they can be paraded out to the maximum advantage — I can see that you could sell this for more cash right away, particularly when you can take advantage of the weak Canadian dollar and bring in those American dollars to buy it. There's no question that you can get more cash for this thing by selling it off forever, and you'll be able to trot out to the public and say, "Boy, we sold this highway off forever for a great profit." That's the purpose here; you want to get that ready for Mike when he trots out the budget in April and says, "Not only that, we sold the 407 etc."

But what is the public advantage in selling it forever as opposed to the other options? Where is the protection on tolls? If you say, "There aren't going to be any" — for the next 100 years, while the Texans own this thing, they can charge whatever they want. I, as most of us, have watched the area that the 407 will run through become more and more congested. This thing, if it's breaking even today, will be a gold mine tomorrow. There's no question of that.

As I said earlier, the government thrust this contract called Bill 70 under our nose and said, "Sign it tonight, sign it right away," without providing the necessary evidence of the benefits that this Bill 70 is clearly the best approach for the 407. I repeat, the debate isn't about whether to build the 407 or not; it's going to be done. It has to be done. The debate is: Who cooked this scheme up, who's going to make all the big bucks and who's going to be left paying the interest on the big bucks for the next 100 years? I suspect the big bucks will be made on Bay Street and the people who are going to pay for it down the road every single day will be on Main Street.

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**The Acting Speaker (Mrs Marion Boyd):** Questions and comments?

**Mr Marchese:** I agree with most of what the member for Scarborough-Agincourt has said in this regard. He started out by talking about how one could trust this government when it plays with its finances as it does. It raises important points, because it is a matter of trust. What has this government done in a variety of areas that you, the public, have confidence in? From our point of view, we have very little confidence in them. That's why we raise the issues, because as you watch, you need to be able to judge for yourselves.

He raises the point about American interests coming into this country with their big bucks to buy up a lot of

these contracts when you folks want to privatize these roads. For me, I don't really care whether they're American or Canadian. When you privatize, you're privatizing to big, private, corporate barons. It makes no difference. All they want is money. Whether they're American or Canadian makes very little difference, except to say that the Americans control most of our economy anyway, so it can only make it worse. In this regard it's worse; this is true. But the motive for these privatization schemes and for the private sector to get in is to suck up the profits that are to be made.

The disagreement I have with the member for Scarborough-Agincourt is where he says he has no philosophical objection to privatization. I do have a philosophical objection to privatization, generally speaking, with few exceptions. I take the opposite view and believe that there are many matters that should properly belong to governments, where governments need the responsibility to take care of the public interest. This highway would have reverted to us in 27 years. Under this scheme it will not, and that is against the public interest.

**Hon Mr Sampson:** I'd like to reply to comments from the member for Scarborough-Agincourt. I've shared many discussions with him on a number of subjects — not on this one, I must admit — and I've always found him to have a reasonable understanding of business practices. I agree with him when he says there have to be clear reasons that the public purse, the public sector, the public in general would benefit should we proceed with an actual sale, and I say "should we" proceed with an actual sale. This bill does not contemplate that we actually will consummate a deal. It establishes the parameters under which we will entertain bids and offers. Should the bids and offers that come in not be acceptable, should the bids and offers not demonstrate a clear advantage to the taxpayer and the people who use this facility, should the bids not demonstrate any advantage whatsoever to Ontarians, clearly we won't do it. Why would we?

I can guess at some of the benefits of private ownership of this highway.

**Mr Gerretsen:** Guess.

**Hon Mr Sampson:** The member for Kingston and The Islands says, "Guess." Of course guess. As I said, we haven't received bids from people yet. You're asking me to demonstrate and to lay upon the table here a contract. Well, there isn't one, because we haven't gone out to the people who might be interested and asked them on what basis they would bid.

**Mr Gerretsen:** Will you make it public before you sign it?

**Hon Mr Sampson:** I know that the member for Kingston and The Islands, the ex-mayor of Kingston, the person who jacked taxes up in the city of Kingston about 30% during the time he was the mayor, has a lot of comments to add, and I would be happy to hear him speak to those. But as it relates to the potential benefits of private sector ownership, I would say there are a lot of them. Transfer the risk of construction of the highway to the private sector. Why is it that the taxpayer should take

construction risk of a highway? Why is that? It shouldn't happen. Why is it that the taxpayer should be financing a highway and paying the tolls at the same time? It shouldn't happen. That's clearly why we want to see private sector ownership.

**Mr Gerretsen:** I will put my record of raising taxes in Kingston during my term as mayor against a Minister of Education who, during his term as mayor of East York, raised taxes a total of 106%. So there.

I ask the minister for privatization to look at section 2 of the act, which gives you absolute authority to determine what the conditions should be. Look at section 6, which says, "The minister for privatization may enter into any agreement that he or she considers necessary or expedient for carrying out the purposes of the act."

Look at section 5, in which you are given complete authority to determine which assets are to be transferred. You can determine the consideration to be paid. It doesn't say for fair market value or for anything else. You can determine any consideration at all. You can establish the terms and conditions etc.

Look at section 14, which says that the owner, whoever you enter into this contract with, can "establish, collect and enforce payment of tolls," can "establish, collect and enforce administration fees," can "establish interest rates to be charged on unpaid" bills, can even exempt certain vehicles from the application of section 13.

You have been given full and open authority, without any controls, to make sure that the public interest is protected. That's what we're looking for from you: Either protect the public interest fully, or, before you enter into any contract, give us your undertaking right here and now that you will make the contract or any supposed contract public before doing so.

**Mr Bisson:** To the member for Scarborough-Agincourt's presentation, a couple of points. He touched on the fact that the minister was saying that they need to develop this legislation so they can go out shopping to see if somebody would be interested in buying a highway in Ontario. That's basically the argument the minister put forward, that this is the best way to deal with the situation.

I say, why not go at it another way? Why not, if you're interested in privatizing 407, go out and see if there are buyers? Say to people, "We're interested in selling Highway 407" — I wouldn't agree with you, but at least do it this way — and then let the people come forward who want to buy. Then draft legislation based on who is going to buy it so we know in the end what the deal is going to be and if it's in the best interests of the people of Ontario.

No. You're putting the legislation first and looking for the buyer after. Why? You're doing it because a lot of this stuff is going to be done behind closed doors. I would like to examine some of that stuff afterwards, because I think we're going to be able to prove that this is not beneficial to the taxpayers of the province of Ontario.

To the comments about tolls, that somehow or other if the private sector takes over control of Highway 407 — and this is an interesting argument — they're going to be



able to increase utilization of Highway 407 by lowering tolls and attracting new consumers on to the highway: Hello. Wake up. The 407 is already run by the private sector. If the private sector were able to figure a way to do it, they would have done it already.

The point is that it goes according to traffic flows and traffic patterns. As people move more into the region and as the economy picks up more, of course the highway will be used more. What will determine the cost of the tolls will be the recovery on investment, what the buyer wants to be able to recover on its investment.

The sad part is that at the end of 27 years, when this highway was supposed to come back to the province and the tolls lifted, it will not under the scheme you're putting forward. We will leave tolls on that highway in perpetuity.

**The Acting Speaker:** The member for Scarborough-Agincourt may respond.

**Mr Phillips:** I appreciate the comments of all the members. I just restate our concern and say that the minister responsible, in his response, didn't really address our concerns. Our concerns are, tell us again what's in the public interest for the private sector to own this forever.

What he said was, "Aren't you interested in guaranteeing a price for construction?" I say yes. In fact that was done under the NDP. There was a guaranteed price they could not exceed to construct it, and that's what they did. He said, "That's an advantage." I say that's already there. You don't need to do it differently. He asked, "Should the public be paying tolls and the financing charges?" No. Again, that doesn't require you selling off the highway forever.

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The minister's response simply reinforces the concern that the government has failed to demonstrate the advantage to the public of selling it forever. The minister said: "We haven't committed to selling it forever. We're just going to go out and ask people to submit bids. Then we'll make the decision whether we will or not." I say it's too late. Companies spend money on bids. They expect you are serious when you say you're contemplating selling it.

What we're being asked to do today is this: This is the final chance the Legislature will have to say yes or no on whether we're prepared to sell off 407 forever, because once we sign this document, it's gone. I urge the government to put forward a significant and better case than they have —

**The Acting Speaker:** Thank you.

**Mr Bisson:** On a point of order, Madam Speaker: I notice we don't have a quorum again.

**The Acting Speaker:** Clerk, would you check to see if we have a quorum.

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Further debate.

**Mr Marchese:** It's a pleasure to have this opportunity to address some of the concerns we have on Bill 70. I begin by commenting on or responding to what the min-

ister of privatization said earlier. He said this bill doesn't necessarily privatize anything. He said it will certainly entertain offers, and, "If the offer is good, we'll take it," and then presumably privatize.

This fellow is the minister of privatization. His role is to sell. It's not to entertain anything; it's to sell, it's to give something away. That's his role. Why else would he have the title of the minister of privatization, except to give away an asset to somebody else? That's his role and he personifies the role of this government in their desire to rid themselves of things public. That's the role of the government. That is why this person symbolizes all of that through his role as the minister of privatization. He clearly tells you, as he said in his previous remarks, that the government should get out of the way of most things. I guess he would like to see only a skeletal remnant of some governmental power here in this place.

But I'm one who holds the view that we need government, that we need the role of government to protect the public interest. The role of the government is to make sure that the health we've enjoyed for a long time remains a public interest and in public hands, that education remain a public asset and that we not privatize and turn it into a two-tiered system. The public is demanding that; they continue to demand it.

That's why you have not moved as rapidly to privatize hospitalization services as you would like, although you've done your best. You do it incrementally because you know that is the only way you can get away with it, to do it imperceptibly so that the public doesn't realize what you're doing. I've got to tell you that you're doing an effective job, but not so effective that the public isn't alarmed by it. The fact you have not moved with as much alacrity to privatize things as you would like proves that the public is against your privatization interests. That's why you have not gone as fast as you would like. You know that, I know that. You know that because you do polling; otherwise you would have rapidly engaged in the plan you had before you came in this place.

Your role is to diminish government, and in this particular sense, with this particular bill, you want to privatize it, to give it to away to private interests. I can smell those corporate barons snorking at the trough just waiting for you to do exactly what they want you to do. They're snorking at the trough and you're right there to assist them as the best servants that you are. They're waiting for you because there is money in them hills. You are the instrument of those corporate barons and they're waiting for you to privatize because there is a lot of money to be made. That's why you're doing it, under the guise, naturally, of protecting the public interest and making sure we turn it into private hands because they do it best.

That's the argument you make, that the private sector does it better. If we rely on the private sector to do it better, we're in big trouble, I tell you. The economic crisis we are experiencing is caused by corporate barons, by financial barons, by bankers moving money instantly, billions and trillions of dollars every moment. They're causing this financial crisis. Half the world is in a

recession because it's caused by private interests, financial interests, corporate interests that have the big bucks and we — oh, you look with that puzzled look as if you do not understand, but the public understands because they are suffering the effects of your private friends moving capital, moving money from one country to the other, from one moment to the other, destabilizing economies and countries in a way that most of you should understand. These are your buddies doing this, not my buddies. These are your private friends causing this frenzy, this chaos and the collapse of 50% of our economies globally.

*Interjection.*

**Mr Marchese:** Oh, I know. It's probably the workers causing this recession. Or better still, M. Ford, you know what it is? It's the unions.

**Mr Joseph N. Tascona (Simcoe Centre):** Yes, unions.

**Mr Peter L. Preston (Brant-Haldimand):** Now you've got it. Print it.

**Mr Marchese:** There you go.

**The Acting Speaker:** Order.

**Mr Marchese:** It's the unions that control it, isn't it, Mr Preston? It must be. How else would you explain it? It's got to be two culprits. Let me see if I can think of somebody else. I'm not sure. Workers, yes, because they're demanding too much. Speaker, you read this article today where it says the rich get richer as the wage gap rises. I suppose they're causing the recession. Right? The poor people are getting poorer, or is it the diminishing middle class, which this report speaks to? Are they causing the recession? It must be. Better still, again, it must be the unions causing this poverty. No, better still again, these poor workers should accept less to make us more competitive with the other collapsing economies across the globe. Is that the answer you Tories recommend for our population?

These are your private friends. The gap widens. People are working longer and harder for less, and are more insecure than ever, with unemployment as high as it is in a booming economy where the poor should be richer because you've got more money. The economy's been working well for the last three years — across Canada I would add; nothing to do with you fine Tories.

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**Mr Preston:** Nothing like Ontario, I might add.

**Mr Marchese:** Under a good economy, the poor should be elevated. Doesn't that make common sense? I think it does. Imagine if in a recession people are poor and in good times those poor people become poorer, does it speak badly of this Conservative government? I say it does.

I'm no defender of private interest. I am not one like the member for Scarborough-Agincourt, who says he is not philosophically opposed to privatization. I am philosophically opposed to privatization, plain and simple, by and large, with very few exceptions. That is a principle that I abide by because I believe it's wrong. The public has got to take a position on these matters. That's why, I know, a lot of people are watching: They've got to become more political, keep us accountable. And I don't say just them

— keep us all accountable. The way you do that is to become more politically active. That's the only way you can make politicians accountable: by spreading a civic movement, by making sure that through your involvement they will listen to you. I know they haven't listened in the past, but eventually they've got to listen. An election is coming up. That's the best time for these people to listen.

I think of housing. Housing is a public asset. Highways are public assets. Universities are public assets, education is a public asset, health is a public asset. But to listen to these guys you wouldn't know it. They say housing was a boondoggle. I say privatization of Highway 407 is the biggest boondoggle we will ever see because, I tell you, there is big money to be made in this.

**Mr Douglas B. Ford (Etobicoke-Humber):** You said it was private when you introduced it. You're talking out of both sides of your mouth.

**Mr Marchese:** Uncle Joe isn't making the money, but their good friends, Conrad Black types, are making the money.

Speaking out of both sides of the mouth. Our previous government got into a joint venture with the private sector. It was a joint venture. It said that at the end of that 27-year period those roads would revert back to the government, control would revert back to the government, and so they should. They are public assets and this is a boondoggle. What's happening in housing is a boondoggle. Now what you people did or tried to do —

**Mr Doug Galt (Northumberland):** What you people did.

**Mr Marchese:** What we did was to put money into housing so people could be sheltered.

**Mr Ford:** Most expensive housing in history.

**Mr Marchese:** What you people are doing is to get out of the field of housing, leaving thousands homeless. A hundred thousand people on waiting lists for subsidized housing because they cannot find housing they can afford. You people are not building —

**Mr Ford:** Because they keep bringing in 100,000 immigrants all the time.

**The Acting Speaker:** Member for Etobicoke-Humber.

**Mr Marchese:** — and your private sector friends are not building because there is no money for them to be made unless you give away the store. If you give them the land and if you give interest-free loans to those people and so much more —

**Mr Ford:** Where do you get your brains from?

**Mr Marchese:** Mr Ford, this —

**The Acting Speaker:** Please take your seat, member for Fort York. Would you stop the clock for a moment.

It's still early. We've got a lot of time to go. People are being very raucous. They're not having any respect for what's going on in this place or the seriousness of the bill. I'm going to name people if they don't keep order. Particularly member for Etobicoke-Humber, please —

**Mr Ford:** Yes, Madam Speaker, but would you tell him to call me the member for Etobicoke-Humber and not Mr Ford?



**The Acting Speaker:** I would be happy to do that. The member for Fort York knows that he should be naming people by their riding and I ask him to do that. I would urge members that if this is the serious business that we are supposed to be doing here, that we do it seriously. Member for Fort York.

**Mr Marchese:** The member for Etobicoke-Humber, who loves to smile in this place — because that's all he does. Throughout his tenure here he smiles a great deal. I'm happy to see it because he beams up this place with a great deal of light and spirit, but I've yet to hear him declare himself on any issue. I hope he will respond to what I say, I really do.

**The Acting Speaker:** Member for Fort York, it would be best if you were not provocative but spoke to the bill.

**Mr Marchese:** He provoked me by saying where I get my head and I was thinking that perhaps I'd like to hear some parts of that head pronounce itself in the debate. That's all I was saying.

**The Acting Speaker:** And now you are being provocative with me, member for Fort York.

**Mr Marchese:** No, I agree with you, Speaker. I'll move on.

I'm saying to the member for Etobicoke-Humber that housing is a critical part of human life. People need housing. I'm saying to him that I get my head from my experience with living people in my community. My head responds to the needs of people in my community. I don't know what his community is like, but my community says people want and need housing. I don't know what he says or what his community says, but I most definitely believe —

**Mr Galt:** On a point of order, Madam Speaker: I'm finding this speech is on housing and people's need for housing. I think it's on 407 and the privatization of it. Do you suppose he might get on topic?

**The Acting Speaker:** Member for Northumberland, I have suggested a number of times that he do so and I will again. The member for Fort York.

**Mr Marchese:** Thank you, Speaker. A number of members, including my colleague beside me here from Cochrane South, have talked about important questions, such as who is benefiting from such a bill. Who benefits is the question that he hasn't answered, that none of those members are answering. One of the other questions that has been raised is, will he expose the contract that he has or has in mind? Will he release it and let the public know? I argue, why wouldn't he do that?

If this minister, his cronies beside him, behind him and across from him, don't want to release such a contract, why not? It's not a complicated question. We argue that it must make its privatization review public. It should be available so the public can judge for itself whether or not this is the right way to go. I believe the government promised a transparent privatization process, yet they refuse to release the review, citing commercial confidentiality.

**Mr Bisson:** What's that mean?

**Mr Marchese:** What it means is that the corporate barons are snorking at the trough and he cannot show us

that review because to do so would mean that his private sector friends get exposed and he, as the minister of privatization, gets exposed. That's why they don't do it, but the public needs to ask those tough questions in order for them to know whether this is a cover-up or not and whether or not this review is a matter of public trust or not. They should judge this bill and this contract and this review, not the minister of privatization, whose sole goal is to privatize. Let the public judge. If he doesn't permit such a review, one has to question the process, the plans, the scheme, the intention of this minister. But it's not him; this government, the Premier is in charge here. He's but a tool.

We need to know whether or not at some point these future owners would, if there is some congestion on alternative routes, and we predict that there will be — whether he can tell us that the owner of that road will not jack up the tolls. Can he assure us of that? I tell you, he cannot and will not. I can almost guarantee that the tolls will be jacked up. There will be greater congestion on those roads close to 407, and when there is, there will be a desire for more people to go on that toll route and more tolls, higher tolls will be levied. I can guarantee it.

The public needs to ask those tough questions of this government. I believe the tolls will continue to be paid even after the road is paid for. I believe that will be the case. This minister cannot guarantee, will not guarantee, that will be the case. For me, this is the biggest rip-off that the public will have to endure, will have to suffer, and the public, the taxpayers of this province, will have to pay the price.

**2020**

I'm not a big fan of tolls. Yes, we engaged in it as a government, as a joint venture, but I am not, generally speaking, a fan of tolls at all. They belong to us, to the public, and we should be paying for those roads out of our income taxes. If we got a few more little bucks from your friends, a few dollars more from your big friends, the ones you want to give a big tax cut to, if we got a few more of those bucks, the member for Etobicoke-Humber, we'd be better off.

**Mr John Hastings (Etobicoke-Rexdale):** Why did you sacrifice your principles and not resign?

**The Acting Speaker:** Order, member for Etobicoke-Rexdale.

**Mr Marchese:** I know this is something we have before us and we've got to deal with it, but we do our best. We advance our case and let the public decide for themselves what they think of this deal, whether or not they trust this government with such a privatization scheme and whether they trust them that the tolls will be fair, that there will be no increases in tolls, that somehow this new private person will set the level of tolls that people can afford. You'll have to be the judge of that, as the public. But I've got to tell you, I don't trust these guys one bit. I know, from a number of these pronouncements this government has made, you the public don't trust them either.

You'll recall we've been debating for a long time now here the whole issue of emergency room backups, emergency disasters, hospital disasters literally, and all these fine Tory ministers do is simply talk about, "The money is coming." We announced it a couple of years ago, millions of dollars. We keep on announcing money, millions, that never reaches the people who need it. Do you trust them? I don't. Most of the public is beginning to not trust you either.

On school closings, the minister keeps on arguing that he's not the one making the decisions, yet he is the man who sets the rules. But he stands up every day saying: "It's the other guys. It's the boards. They're the ones in charge. They're closing. If they decide to close, it's not me." But it is him, and they're beginning to understand that. They're beginning to not trust you as much as you think. But you are trying and doing your best to manufacture consent, which is your role, and you're doing it, by and large, not too badly. But eventually the public becomes smaller as they begin to feel the effects of user fees across the board. That costs them a whole heap of money and they're feeling it. They're feeling the effects of your hospital cuts. They're feeling the effects of your education cuts. They're feeling the effects of your allowing companies to monitor their environmental policies. They're feeling all of that, and eventually they'll fight back, and they hopefully will fight this bill as well.

**The Acting Speaker:** Questions and comments.

**Mr Galt:** He's quite entertaining, the speaker from Fort York. He spoke on almost everything except the privatization of Highway 407. It was nice that he did zero in on occasion, and he talked about the giveaway. I don't know where he gets any idea that this is going to be a giveaway. There are certain rules and regulations, as I'm sure he was aware, having been in the previous government's cabinet, about how you dispose of government assets.

He talks about a boondoggle. Let me tell you what the boondoggle of the 407 is all about. I was at the Good Roads convention in 1993 when your Minister of Transportation, the member for Lake Nipigon, was there, and he talked about how the highway would be built by a private company or private consortium. I understood that was what was going to happen, and, lo and behold, I didn't know any different until I was here in the House for a few months. I found out it was the government that built it and they had changed their mind; it was going to be a private company that would actually take the tolls and look after it. They totally switched direction from their original commitment.

Then he talks about trust. How could anybody have trusted them when they would do that kind of thing? This government, this party, is doing what we said we would do. We made a commitment in the Common Sense Revolution. We went across Ontario as a party, we found out what the public of Ontario wanted, we then put it in a document a full year ahead of the election. It should only have been a few months, but you people couldn't decide when you were going to have an election. So it ended up

out there a full year, and we're recognized for doing what we said we would do. When you poll and ask people if we're on track with what we said we were going to do, 58% are saying we're on track. If you talk about trust and you wonder who's going to trust whom, have a look at your own record and see what you people were doing. Had you carried out just on this example alone, this bill would not be necessary.

**Mr Gerretsen:** Of course the member is correct: It is all about trust. I challenge you, sir, to read this document, page by page, section to section, and tell me that this isn't one of the most open-ended documents that you've ever seen, where a government could do almost anything as it relates to this highway.

Before you start talking about commitments kept and all that sort of stuff, I suggest that you ask that of the people in 35 different communities who are going to lose their hospitals. The Premier of this province, when he was a candidate, clearly said he had absolutely no plans to close hospitals. Tell that to the Hotel Dieu Hospital in my community, where the sisters of the religious hospital of St Joseph's have given care and comfort and health care to the people of my area for 153 years and they were unilaterally told by your government, by your minister, "I'm sorry, your services are no longer required." Not only that, the services that are in the building right now will be taken over by another hospital institution in our community.

You talk about trust. You have the nerve to talk about that.

**Mr Galt:** Oh, no, they did.

**Mr Gerretsen:** You're talking about it too, exactly the same way. There are many other communities as well. Tell that to the community care centres, which were promised money with the so-called spending from the closed hospitals, when 2,000 patients in my community can no longer get the care that they've had for the last three or four years. I'm sure I'm not the only person getting calls on that. You're getting them too, except you're not saying anything about that.

**Mr Bisson:** The member for Fort York hit the nail on the head again. I listened to the government side, and every time the member for Fort York gets up to speak, you can see the wiggling. They feel so uncomfortable because they know he's actually exposing what's going on, because he's right. He hit the nail on the head. This is about trust. That's exactly what this is about.

The government, by way of this bill, is saying, "We're going to set up legislation that gives the minister all kinds of powers to be able to go out and cook a deal up with his buddies in the private sector," and we're going to have to buy a pig in a poke. From all of the experiences we have seen now with this government when it comes to its privatization initiatives, we have seen who benefits in the end. Is it the taxpayer of Ontario? Not at all. It's the friends of this government in big business, not in small business.

He talks about trust. When he was responding to the member for Fort York, he talked about how his



government kept its promises. You go talk to the small business community in my riding and the small business communities in a whole bunch of other ridings around the province. They remember Mike Harris saying: "There's only one taxpayer. We're only one taxpayer, and we have to make sure that we drive the taxes down in order to help the small business sector and the economy of Ontario." What hogwash. We see what has happened. We have tax increases in my community of over 100% for the small business sector because of your bungling in changing the assessment system and the downloading of services on to the municipalities. As I go through communities, not only in Cochrane South but others, there are more and more small business people who are starting to understand that when Mike Harris talked about business, he wasn't talking about small business; he was talking about his friends on Bay Street and the big business people he is trying to help by way of this privatization bill. Talk about hogwash.

2030

**Mr Gerry Martiniuk (Cambridge):** I as usual enjoyed the comments of my friend from Fort York, but to put them in perspective, we have to take ourselves back to 1993. His government had been in power for three short years and they had taken what was once a proud and prosperous province to a debtor, to the poorest province in this country, one with the most welfare per capita of anywhere in this great country — unbelievable, in three short years.

**Mr Bisson:** What a bunch of simpletons.

**The Acting Speaker:** Member for Cochrane South, come to order.

**Mr Martiniuk:** The bankers were knocking on our door, and he knows from whence I speak. His rich union friends came to him and said: "Give us some work. Please, give us some work. You have ruined this province. We are unemployed. Would you please help us?"

So they started a joint venture. I remember that: a joint venture of private enterprise and government. What was the big benefit that our friend from Fort York promised us? The benefit was that it reduces dependence on tax and other provincial sources which can then be directed to other uses. Can you imagine? That's what he promised us in the face of Bob White giving him advice that put this province bankrupt. Instead of that, they set out on a scheme to spend \$1.8 billion of taxpayers' money on a scheme that had no foundation, had no partners. It was not a joint venture; it was a scam, a poor scam.

**The Acting Speaker:** Response?

**Mr Marchese:** I thank all the members who spoke. I'll begin by saying that I'm always happy that I entertain the member for Northumberland. It's important in this place that somebody entertains him because, quite clearly, they can't do it among themselves. But he accused me of not speaking to the bill and then he used five seconds to reflect on the bill and then used the rest of the two minutes to babble about God knows what. I thought I would put that on the table.

I think it's important for them, if they really believe in what they say, that they put this privatization review to the public, put it out.

*Interjection.*

**Mr Marchese:** I don't know whether that means yes or whether that's a squint. If you believe in this, if you have faith in your process, put it out so that I could see it, so that —

**Hon Mr Sampson:** It is a public document.

**Mr Marchese:** It is not. The government promised an open, transparent privatization, yet you refuse to release the review, citing in quotations, "commercial confidentiality." Are we in the wrong universe here, minister of privatization? Make it public and make the agreement with the purchaser public too so we will know. Let us into the process. I think you've got a duty to do so. I don't believe you should act unilaterally as the only —

*Interjection.*

**Mr Marchese:** But you guys said you would offer a transparent process. You've got the wheels, and if you said that you want a transparent process, make it so so that we can all see clearly what you are doing and what you're offering, otherwise we cannot trust you.

**The Acting Speaker:** Further debate.

**Mr Tascona:** I'm very pleased to join the debate with respect to second reading of Bill 70, entitled the Highway 407 Act. The actual title is, "An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs, and stimulating economic activity through the sale of Highway 407."

Before I commence speaking on the bill, I want to refer to the actual text of the bill, which I have read from cover to cover. I'd like to say that the powers of the minister in this bill are certainly not as broad as suggested by the MPP from Kingston in his review of this bill. That may be just an interpretation difference between us two, but I think quite frankly when you read the bill, and I'll specifically refer to section 2, it says, "Despite any other act or regulation, the Lieutenant Governor in Council may direct the minister for privatization, on behalf of the crown in right of Ontario...." It's not the minister who is making the direction, it's the Lieutenant Governor in Council who is making that direction with respect to the transfer of assets.

If you also look at section 14, it has to do with the powers of the owner, but the powers of the owner are subject to the terms and conditions set forth in an agreement entered into with this government. They are dealt with specifically in terms of the agreement that is dealt with. The minister's powers, be they what they are under the bill, have to be with respect to the purposes of this act. It's not an unbridled, open discretion on behalf of the minister.

**Mr Marchese:** On a point of order, Madam Speaker: There is no quorum in this assembly.

**The Acting Speaker:** Clerk, would you check for quorum, please.

**Clerk at the Table:** A quorum is not present, Speaker.  
*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Continue with debate.

**Mr Tascona:** I was referring to the bill itself. I would submit that certainly the bill is not as open-ended as suggested by the MPP from Kingston. The minister's powers are certainly in the context of what's required under the bill and not out of line in terms of what's necessary to complete the task at hand.

I'd just like to refer also to Liberal MPP Gerry Phillips, from Scarborough-Agincourt, who was in quoted in the Star yesterday as saying that he has "no 'philosophical' objections to selling off the highway." That's the Liberal member.

That's consistent with what his Liberal government cousins are doing at the federal level. What they're doing at the federal level is they're getting into privatization with respect to Via Rail, talking about splitting them into franchises, and I quote from the Globe and Mail of today:

"Transport Minister David Collette plans to franchise out Via Rail by the new millennium, in order to bring private sector investment into the decaying passenger rail system.

"This is the only way out," Mr Collette said.... "We would keep Via Rail, and it would be to oversee the franchise implementation. It would be the corporate body making sure it's a seamless service."

It goes on to say in this article, "As is done in England, the federal government will consider giving franchise operators some subsidy money in advance rather than spreading it out evenly year after year, the minister said. That way, the companies will have more leverage to take to capital markets for loans.

"They would have a 15- to 20-year contract to pay back the money, and would still be supported by the federal government's subsidies."

That's the Liberal way: subsidize a private sector venture.

"We would keep the national rail system as an identifiable, seamless service.... We have to learn from their mistakes." He's referring to England.

**2040**

I find the statement with respect to a national rail system as "an identifiable, seamless service" a complete joke. In my riding of Simcoe Centre, CN has been given approval by the federal government, through their own legislation, to abandon the railroads between Barrie and Bradford, 35 kilometres of critical infrastructure to the rail system in this province, in my riding of Simcoe Centre, pivotal to the transportation system, pivotal to economic development, pivotal to the problems we face in terms of an ever-growing economic region. Yet he says, and as the MP from my own riding indicated —

**Mr Bisson:** On a point of order, Madam Speaker: Again, the Tories are not able to hold a quorum. I believe we have lost it once more.

**The Acting Speaker:** Clerk, would you check to see if there is a quorum.

**Clerk at the Table:** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Continue, member for Simcoe Centre.

**Mr Tascona:** Thank you, Madam Speaker.

As I was saying, from what I've been told in dealing with Mr Collette, he has basically said that the federal government is not responsible for the rail system when he tells me, "We're not going to be able to help you with respect to abandonment of the rail line by CN between Barrie and Bradford." Yet he is quoted here as saying that he wants to make sure there is "an identifiable, seamless service" with respect to the national rail system. Quite frankly what he is saying is that in the circumstances where it fits the federal Liberal government, "We're going to take responsibility for the rail system, but when it comes to smaller operations" — not the ones from Ottawa and Toronto and what he's interested in — "we're not going to take responsibility."

What we're looking at here is a double standard: basically the federal Liberal government getting involved in privatization on their own with respect to rail systems, and yet they're not helping out Ontario in a fundamental area where CN is abandoning their rail line. I find that quite amusing, and distressingly so in terms of their commitment to this province and to my riding of Simcoe Centre.

The fact of the matter is that the federal government is prepared to get into privatization and at the same time subsidize the private sector in order to make its plans work, an interesting gesture. Obviously the taxpayers' money will probably be well spent by the private sector in that initiative and obviously the federal government will be using taxpayers' money to try to make itself look good.

The fact with respect to Highway 407 is that the taxpayers of this province own this highway and have financed its construction. We think it is unacceptable that users of the highway pay twice: once through their tax dollars and again through the payment of tolls. When our government began its review of Highway 407 in June 1997, we said we would examine the options for involving the private sector in the financing, building and operation of the highway extensions and the financing of the Highway 407 central. We talked about the need to provide a congestion-free traffic corridor around the GTA. Minister Sampson and his crew then rolled up their sleeves and got to work with the review. Some have asked quite frankly, "What has taken so long to get to this point?" The answer is that our government has taken the time to do things right.

Earlier this year, in February 1998, Minister Sampson and Minister Clement announced the results of the review. After a thorough and careful seven-month review it was determined that the best option would be to (1) sell Highway 407 through a fair, open and competitive process and (2) require the new owner to build the highway extensions.

What we want to do is get the private sector involved in this process to build and finance the extensions to make it



truly a bypass highway and relieve the traffic congestion on 401, 403, the QEW and other nearby roads. That's fundamentally important to this area and specifically to the riding of Simcoe Centre because we have grown significantly. There are many businesses and people who commute who use Highway 407 and they use it for business purposes. The extensions will obviously be a blessing because of the congestion on Highway 400 and Highway 401. I think that this initiative is in the interest of the business people in my riding, and also welcome news to people who have to commute. It's also important to point out that construction of the extensions is expected to create over 6,000 jobs. That's a lot of jobs.

I would also like to remind members of the recent history of the highway. As I understand it, the previous government originally planned to have the private sector finance the construction of Highway 407. In fact I have a backgrounder issued by the previous government in 1993 which states — and I'll refer to this document in terms of the project description:

"The two consortia bidding on this project will prepare proposals for developing Highway 407 from Highway 401 at Winston Churchill Boulevard in the west to Highway 48 in the east. The new 58-kilometre, six-lane, east-west freeway will be an alternative route to Highway 401, bypassing Metropolitan Toronto. When it is complete, the 407 will extend from the 403 in the west to Highway 35/115 in the east. Traffic is expected to be using the first section, Highway 400 to Highway 427, by 1996.

"Each consortium has been contracted to undertake a process known as value engineering in the preparation of a project proposal. The value engineering assignment calls for the consortia to review current plans for the 407 and determine the most-effective design and schedule to meet the province's requirements. Aspects of the project expected to be considered include such details as the layout of interchanges and the numbers of lanes in various sections.

"When the value engineering process is complete, the consortia will then prepare bids on the entire project.

"The development of Highway 407 is the largest single initiative supported by Jobs Ontario Capital."

What's important in this backgrounder is that it sets out in bold type the benefits of private sector participation in the 407 project. It says:

"Since private financing is not tied to government revenues and the annual capital budget, it will allow the highway to be delivered faster (from Highways 401 to 48 by 1998 instead of from Highways 410 to 404 by 2000).

"Economies of scale and speedier construction will reduce the overall cost of the highway.

"The project's 26,000 jobs will be generated sooner.

"Ontario industry's competitive position will benefit from faster, more efficient transportation through the greater Toronto area as early as 1998.

"Reduced congestion, improving air quality and enhancing safety in the greater Toronto area will be realized sooner.

"With governments around the world looking for private sector partnerships to create infrastructure on a large scale, the Ontario-based companies involved in the 407 bidding will gain valuable experience they can use across North America and overseas."

#### 2050

This is a news release put out by Jobs Ontario Capital through the previous government of the day. It's obvious that they were committed at that point in time to endorsing private sector partnerships to create infrastructure on a large scale.

That's what didn't happen. Partway through the process, the government of the day decided to fund its construction, and taxpayers, not users, have been financing the construction debt. The NDP government had originally planned to have the private sector build, own, operate and finance the highway for a fixed term, after which time ownership would revert to the province. Such an arrangement was never secured. Instead, the province financed the project and secured contracts with private sector parties to operate the highway and to toll users of the highway. While the previous government referred to the arrangement as a public-private partnership, in fact there was no sharing of the financing and ownership risk with the private sector, a fact that the Provincial Auditor highlighted in his 1996 annual report. I'll refer to that at this point.

"The Provincial Auditor's Comments on the Original 1993 Deal" — this is from the 1996 Annual Report, Office of the Provincial Auditor.

"The Provincial Auditor identified the following problems with the last 407 deal."

**Mr Bisson:** Point of order, Madam Speaker: I think the member is making a fantastic speech, to the point, and there is no quorum in the House. It's a real pity.

**The Acting Speaker:** Clerk, would you check for a quorum.

**Acting Clerk at the Table (Mr Douglas Arnott):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Acting Clerk at the Table:** A quorum is present, Speaker.

**The Acting Speaker:** Continue debate, member for Simcoe Centre.

**Mr Tascona:** When I left off I was referring to the Provincial Auditor's 1996 annual report. The Provincial Auditor identified the following problems with the last 407 deal. That was the deal that was entered into by the NDP government.

"Significant financial, ownership and operational risks remained with the province — a public-private partnership (involving the sharing of risks and rewards) was not established....

"In future partnership agreements with the private sector, the government should strive for a better balance of risks and rewards."

That's from the Provincial Auditor.

While there are contracts with private sector parties for the operation and maintenance of the highway and for

tolling, the highway is presently owned and financed by the province of Ontario.

**The Acting Speaker:** Order. Would you please take your seat, member.

Could I ask that there not be conversations in the middle of the floor, especially right in front of the member who's trying to speak. Please come to order.

**Mr Tascona:** The point I was making was that the highway is presently owned and financed by the province of Ontario.

What we have to deal with here also is, how can taxpayers be assured that the public interest will be protected and the best value received? The Ontario Privatization Review Framework has been designed to be open and fair and to protect the public interest. Ultimately, the decision rests with elected officials who are accountable to Ontarians, in particular with the minister of privatization and this government.

The privatization principles are very simple: It's to be an open, fair and competitive process. The Common Sense Revolution set the ground rules for privatization. The integrity of the process will be ensured throughout by the establishment of strict criteria for selection of assets, rigid guidelines for protecting the public interest, independent review of a deal when a deal for sale has been made, as well as enforcement of rigorous conflict-of-interest policy and ensuring that the entire process is open to scrutiny by the Legislature and the public.

Ontario has followed the privatization framework to review and implement its strategy. The framework has three main objectives: (1) to see if there are better ways to improve service and value to taxpayers; (2) to identify where greater involvement by the private sector could help improve the quality, efficiency and choice of services; and (3) to ensure that privatized services or businesses continue to meet public policy goals.

Under the framework, we have injected sound, proven private sector techniques into public sector activities in several ways. These options run the gamut from public-private partnerships to joint ventures to long-term leases, as well as retaining and improving an entity and injecting some private sector discipline in various ways.

The government owes it to Ontarians to review the businesses it owns to see if there are ways to improve service and value to taxpayers. That's why the Ontario Privatization Review Framework has been established.

There are other consequences with respect to dealing with the proceeds that come from the sale to the private sector of government assets. The government will fulfill its election commitment contained in the Common Sense Revolution to apply the proceeds of the sale of Highway 407 to pay down the provincial debt. By reducing the debt, we will ultimately have more flexibility to fund priorities such as health care, classroom education and community safety. In fact, in the 1989-90 budget, the debt interest payment for the province was \$9.2 billion. That is almost half of the amount the government spends on health care in this province, which is currently at \$18.7 billion.

It takes basic common sense to see that if we can reduce our debt by accountable and very prudent management of government assets and the way we operate, we can reduce the debt interest payments that affect our budget every year. If those payments of \$9.2 billion are eliminated some day, that's \$9.2 billion that the government can use with respect to determining its priorities, be it further tax cuts, be it health care spending, be it educational spending, be it more social spending. But the bottom line is that you need to have flexibility with respect to the way you operate, and if you're burdened with debt interest payments, you're not going to be able to have that flexibility.

I fully support this bill and have had the pleasure to speak to it.

2100

**The Acting Speaker:** Comments and questions.

**Mr Gerretsen:** I'm pleased that after talking about this for the last three and a half years I've finally found a Tory member who has actually agreed with me. I too agree that we should be paying down the provincial debt and that we're paying way too much on annual interest payments. They're \$9.2 billion in the latest financial reports, whereas they were \$7.1 billion about three years ago.

But where was he when the government gave a tax cut? If the tax cut hadn't been given, we wouldn't have gone from the \$88 billion we were in debt when you took over to the almost \$115 billion worth of debt that's out there right now. That has been the whole argument, sir. Where were you then? At least you were honest enough to admit that the main reason why you want to sell this highway is so that you can take the cost of building the highway off your books and it will look better, especially around election time, that the public debt isn't quite as high as it would have been if you had not sold the highway. That is the bottom line.

My ears were just rattling when he said that, because I couldn't believe he could actually say that. I would like him to assure us that he was one of the Tory members who spoke against a tax cut in his caucus because he felt it was much more important not to increase the public debt of this province. I hope he's going to tell me that in his response, because I'm sure the people of Ontario want to know that. The debt of this province is getting worse and worse and, sir, you during your term of government have added on \$25 billion of that.

**Mr Bart Maves (Niagara Falls):** Wrong, wrong.

**Mr Gerretsen:** Yes, you have. The interest payments on the debt have gone up by \$2 billion —

*Interjections.*

**The Acting Speaker:** Order.

**Mr Gilles Bisson (Cochrane South):** I want to congratulate the member for Simcoe Centre, who actually gave a fairly well-reasoned argument for what he believes the government should do. I disagree philosophically with what he's saying. I have problems with some of the assumptions he made and the arguments he put forward, but all in all it was a good speech. He thought through his



arguments, and he put them through very clearly so that we know where he's coming from. I've got to give you credit; it's an argument well put forward. I think it was a good speech. It's a good example of a member doing his research before getting up and giving his speech on an issue.

When it comes to some of the presumptions you make about where we're going to be 10, 20 or 30 years down the road with this move to privatize, I disagree, because we know one thing: One thing for sure is that under the deal that was put forward by our government in 1993, that the private sector finance the project through a special capital fund that we set up, in the end the highway was going to revert to the province and the tolls were going to come off. Why we got into this in the first place was because we couldn't construct that highway with public dollars at the time because of what was going on with the recession. We thought this was a good way to bring the private sector in, accelerate the construction of the highway and utilize private dollars to get that built. The pill we had to swallow was that there would be tolls on the highway. I wasn't a big fan of that, but I understood the necessity to build the highway nonetheless.

Whenever you make legislation here, you have to ask yourself who benefits. I ask the member just this one question in the end: With this legislation, who in the end will benefit when this thing happens, if it does? I don't see the taxpayers coming out on the big side of this thing. Yes, it will be a short-term gain, in regard to cash that comes into the province to offset the debt that was written on the highway, but in the long term we're not going to see tolls come off those highways. So, what's the benefit?

**Mr John O'Toole (Durham East):** I just want to compliment the member for Simcoe Centre. He was a lawyer in his former life and an expert in many respects, and his presentation was balanced and well-researched. I can't say more.

I listened — it was quite interesting — last night to the member for Lake Nipigon. He was the Minister of Transportation who brought this in. I think he really wants this to move forward. It's an important project. He argued that the revenue is up well beyond what they had initially forecast, so it looks like the project that they started, the public-private partnership, was the right thing to do.

I was a member of Clarington council and Durham region council at the time. I saw this occurring. Some 10 to 15 years ago, the discussion started on the 407 alignment and issues. I must put on the record that there were a number of important constituents of mine — whom I still listen to; whether or not they vote for me, I still listen to them.

Mr Len Helpard led a very important consultation in the community of Tyrone, which is a small rural community. This highway would go right through the middle of it. The proposed route would go right through the middle of a community. In my riding of Durham East, this isn't acceptable. There was another member, Jim Slyfield, who moved to the country.

On the other side of this whole thing, the municipality of Clarington is on record as being opposed to the 407, and they're in the Durham region, which is anxiously anticipating the 407 for the economic engine in our sector of the province.

I wanted that to be put on the record, that it is an issue in my riding. This proposed route is not fully designed, but I have the assurance of the ministry that the EA process will be recognized and that the alignment will respect the environmental issues. I think it's arguably the most important thing for the Durham region economy that we could look forward to. I thank the minister for making this project work for all of us.

**Mr Caplan:** I must admit, I was a bit struck when the member for Simcoe Centre talked about the Provincial Auditor and the finances here in Ontario. It was the Provincial Auditor who refused to sign off on the books of Ontario just a couple of weeks ago because the government is essentially cooking its books. He forced them to take \$1.6 billion off the books, which they put in restructuring costs. We've seen examples of this.

I'll give you another example. Yesterday in estimates, we reviewed the estimates of the Ministry of Education and Training. We discovered that the people of Ontario are spending in excess of \$1 billion on the teachers' pension fund. Yet, when you look at the budget and the numbers presented by the Minister of Finance, it shows only \$60 million of public money being spent on the teachers' pension fund. So it's interesting that the member would want to quote the Provincial Auditor and the veracity of the books. These guys have two sets of books. I distinctly remember hearing government members standing up and accusing the past government of that kind of practice, telling us how horrible it was, and now we've discovered that we have this kind of practice taking place in Ontario today.

The last member who spoke, the member for Durham East, said he has the assurance of the minister, that he thinks he can trust the minister. You obviously can't trust this government. You can't trust Mike Harris. They're cooking the books. Their numbers are consistently wrong. The Provincial Auditor has said so.

I know the people at home are watching these deliberations. They know that you can't trust these guys when they present a bill that essentially says, "Trust me."

**The Acting Speaker:** Response?

**Mr Tascona:** I'm very pleased to respond to the various members for their thoughtful remarks and points of view.

With respect to the MPP from Kingston and The Islands, all I can say is that it's a fact that the tax cuts through this government have created jobs. Since we've been in power, there have been over 400,000 new net jobs created in this province. Last month, this province created 85% of all the new jobs in this country. The fact is that the tax cut has increased revenues because of the economic growth in this province, and that has allowed us to increase our spending with respect to health care from \$17.5 billion to \$18.7 billion presently, today.

When we took power, the deficit was \$11.3 billion; for the 1998-99 year, it will come in at \$4.3 billion. That's a significant reduction. But the fact of the matter is that there's no doubt that the debt has gone up because the books haven't been balanced at this point in time. That's what our objective is, to balance the books so we can deal with the debt.

I just want to answer the question from the MPP for Cochrane South with respect to who is going to benefit from the legislation. In my opinion, the taxpayer will benefit. He has provided no credible evidence to refute this statement.

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With respect to the MPP for Durham Centre, I'd like to thank him for his vision and his thoughtful remarks. He's obviously interested in the economic well-being of his constituents in Durham Centre.

With respect to the MPP for Oriole, I wish he would stick to the topic. I wasn't here talking about teachers' pension funds. Obviously they're significant and I'm glad that he pointed out to the taxpayers how much it is.

**The Acting Speaker:** Further debate?

**Mr Gerretsen:** It's hard to know where to start this particular discussion on the privatization of Highway 407. It seems to me that in this House we are constantly talking about the past: what happened in the mid-1980s, what happened in the early 1990s, what happened whenever. I will tell you, that is not what the people of Ontario are interested in. They want to know what a government, whoever might form the government the next time around, will do for Ontario to bring Ontario into the 21st century. It is amazing how in this place people seem to get totally caught up as to what happened in 1985 or 1990. It would be interesting to take a poll on this, it really would, but I'm convinced in my own mind that most people out there really don't care. They have a vague general idea as to what the Davis years were like, what the Peterson years were like and what the Rae years were like, but they now want to know, "Where do we go from here?"

The same thing applies to the 407. I found it very interesting. I thought some sort of love pact had been agreed upon between the third party and the government party from the number of attacks we've been taking on this side of the House for the last couple of weeks. Obviously the government is trying to boost the numbers of the NDP and do all sorts of wonderful things before the next election. So it was very interesting to see this dialogue taking place between the third party and the government party as to what exactly was intended when the 407 was built, who was going to own it and this, that and the other thing.

I personally think at this stage that is totally and completely immaterial. I think what the people of Ontario want to know with respect to this privatization or any other privatization is only one question: Is it truly in the best public interest that this particular activity or that particular activity be privatized? Is the public interest best served by that? That's the sole issue.

We heard all sorts of wonderful speeches here tonight about the benefits of the 407 and the benefits of the piece

that hasn't been built yet and what will happen if it gets to be built. All that stuff is self-evident. All you have to do is live around or drive into the Toronto area on a weekly basis or a daily basis to realize that the infrastructure in and around Metro Toronto or the GTA is in great need of the completion of another major highway.

That is good for everyone. It is good for the drivers, who must be getting anxiety attacks as they deal with gridlock on a daily basis, both coming to and from work. It's good for commerce, because commerce can move its goods quicker to its various markets. It's good for development and everybody. Nobody is going to disagree with that.

The question is, how is that extra link going to be built? How is the total road, the piece that's already been built and the piece that's going to be built, going to be financed and how should it be owned? That's all I'm interested in. I really don't give a hoot whether or not the NDP government promised that it was going to be built privately and then it wasn't, or that these people are carrying out what they perceive to be the original mandate, and I don't think the people of Ontario care. They really don't care. But is it in the best public interest that it be done in a public way?

It's in that respect that I would like to have a serious public and open debate in this House or in any other forum. I haven't heard one good reason why it should be privatized. Philosophically, I have nothing against privatization. I think there are many activities that ought to be done in the private sector and many activities that ought to be done in the public sector.

**Mr Maves:** Like what? Name some.

**Mr Gerretsen:** Name what should be done in the private sector? Most economic activities are taking place in the private sector right now, for goodness' sake. Let's get serious about this. It's the private sector that drives the whole Canadian economy, by and large, but just because that is so doesn't mean that this particular road ought to be privatized. That's no reason for it. There has to be a good economic reason for it.

I always fall back on a very simple principle when it comes to issues like this.

*Interjection.*

**Mr Gerretsen:** No. The principle, quite frankly —

**Mr O'Toole:** Let Elinor's son speak.

**Mr John L. Parker (York East):** Mrs Caplan's son.

**Mr Gerretsen:** If you want to start making some personal attacks again, just go right ahead. Quite frankly, the people of Ontario aren't interested in that.

The basic theory that I follow is this: If you're privatizing, whatever the activity is, if there are an awful lot of potential buyers lining up, then it must be something good that you're going to sell. The private sector is not going to get involved, whether it's the privatization of this road or anything else, unless they can make a buck out of it. Then I say to myself, if they can make a buck out of it and if it's basically a public utility out there, why the heck should we be selling it unless they can build it, operate it and manage it so much cheaper than government can?



That surely has to be the guiding principle in all this. Whether we're talking about railroads, whether we're talking about transportation systems, whether we're talking about roads, it doesn't matter. It seems to me if something is a really desired commodity by a certain group of people, and I won't put any kind of motives on it at all, then they've got to be able to make a buck out of it. That is the way private enterprise works.

I am all in favour of private enterprise. It's the one thing that made this country great, the fact that people could benefit from their own entrepreneurship. That's what brought many people to this country for many centuries.

**Mr O'Toole:** Tax and spend.

**Mr Gerretsen:** I'm not talking about tax and spend.

*Interjection.*

**The Acting Speaker:** Order.

**Mr Gerretsen:** I'm sorry, sir, you don't even know what I'm talking about. We'll just leave it at that.

Private entrepreneurship is what made this country great.

**The Acting Speaker:** Member for Durham East and your friends in that part of the room, please. We only have a few more moments to finish. Let the member for Kingston and The Islands finish his comments.

**Mr Gerretsen:** The real issue should be, what does the public get out of the privatization of this? We've heard from the member for Simcoe Centre that the one benefit we get is to write off the public debt of this highway, which I understand to be something like \$1.8 billion. OK. The books will look better. Instead of \$115 billion that the province will owe on its public debt it will be \$113.2 billion. That's an attractive aspect of it. I'm not sure whether that is enough, particularly when you look at the bill.

I noticed that the member for Simcoe Centre tried to attack my interpretation of the bill, but he only stuck to one little clause. Remember, he only talked about one little clause in which he said, "Oh, there's nothing unusual about that."

I would invite each and every member of this House to take a look at section 5, section 6, section 14, and there are a number of other sections as well, and you tell me. Try to take a dispassionate view of the whole situation; not that it's your government that's presenting it or not that we're in opposition and we're dealing with it in that manner. Tell me whether or not you think it is appropriate for the crown to have that much say in the sale of a public asset where there's been nothing said about the public process in which this is going to be dealt with. The document is completely silent on that.

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*Interjection.*

**Mr Gerretsen:** Minister, you'll have your chance to rebut anything I'm saying.

I for one would like to see a process set out that is transparent, so that when we're talking about the sale of a major asset of this province everyone can determine for themselves, at some given point in time, whether it makes

sense to actually go ahead with it. That's what I would like to see. I don't see that process in here. I see this as a bill that gives the minister and the government —

*Interjection.*

**Mr Gerretsen:** He said something about the Lieutenant Governor in Council rather than the minister. Give me a break. Who is the Lieutenant Governor in Council? It is when cabinet acts and then the Lieutenant Governor in Council puts that into operation. That's the same as the cabinet. They're the people who decide.

If you want to throw some more mud, go ahead, but just refute what I'm saying. This bill is an open-ended invitation to the public of Ontario to basically not have an opportunity to know what's going on with respect to the sale of that. I'm saying to myself, why would you want to have the public sale of one of our major assets left in such an open-ended fashion? Ask yourself that.

It really comes down to, "Trust me," which of course is the good old Tory philosophy that has been operating in this province, for better and for worse, over the last 150 years. It's always: "Trust me. We know what's good for you, the people of Ontario." Over the years there were some governments which interpreted that — and I'm particularly referring to a significant portion of the 40 years when the Tories were in power before, when the trust that the people of Ontario gave to them was handled in a very fair and consensus-building fashion. But I don't believe, and I don't think the people of Ontario believe, that this government is anything like what operated at that point in time.

We can talk about all your promises and "A promise made is a promise kept," but say that seriously to the people who need health care services in the communities where you're closing hospitals. The basic theory that you used was, "We're going to close hospitals and take that money and reinvest it in that community and put it into community care," and at the same time you're closing hospitals and you're also cutting off the community care that a lot of people have been using over the last number of years. Why are you cutting it off for a great number of people? Not because you're mean and nasty to those people. No. Because of your hospital closures there are so many people all of a sudden coming into the home care stream that not everybody can be accommodated. So you're cutting off the people who, according to whatever the criteria are, need that service least.

**Mr Caplan:** Property taxpayers.

**Mr Gerretsen:** Talk about the property tax payers, and I'm sure you've heard from these people as well, the small business owners in your community whose taxes have gone up anywhere from 10% to 300%. You now have the nerve over the last three or four days, your spin doctors have the nerve to start blaming this on the local municipalities. You have picked on just about every group that's out there.

First of all, you took on the most vulnerable in our society, the people on welfare, on social assistance. They're not as united; they were very easy to take on back in the summer of 1995, and you probably think you did a

good thing. I challenge each and every one of you to try to sustain yourself and live sometime on \$1,000 or \$1,200 per month. Just try it sometime. After that, you went after the public servants of the province, and then you went after the nurses and then the teachers. Of course, then you also went after those big, bad unions, "Those unions, they're the problem."

*Interjections.*

**Mr Gerretsen:** Yes, that's how you operate. Now who are you going after? You're going after the municipalities. I'll tell you, we knew it was part of your plan right from the very beginning. We knew you were going to download a whole bunch of services on them. You were going to get involved in these large restructurings. In all restructurings, the outer communities, the bedroom communities are starting to pay more for city services than the downtown areas. That's what's happening everywhere. Then you threw market value assessment on top of that and you said, "We'll somehow throw it all into the mix and we'll see how it comes out, and if they don't like it, we're going to blame them because it's the local councils that are doing it." I'm telling the people of Ontario, don't believe it.

The Minister of Finance here one day, in response to a question I asked, openly admitted and was very proud when he said, "One third of the municipalities in Ontario

have had no tax increase, one third have had increases of up to 5%," and he left it there. The only conclusion you can draw from that is that the other municipalities had to increase their taxes by more than 5%. Here we have the Minister of Finance himself openly admitting that two thirds of the municipalities have had to increase their taxes by 5% or more.

**Mr Maves:** Give your head a shake.

**Mr Gerretsen:** You give your head a shake. You tell that to Icah Bryant in Kingston, whose realty taxes have gone from \$4,000 to well over \$12,000, and I could go on and on.

*Interjections.*

**Mr Gerretsen:** Is it already over, Madam Speaker? I think I have one more minute left.

Minister, all I can tell you is, do yourself, do your government, do the people of Ontario a favour by making the process as transparent and open as possible. This document certainly isn't giving the people of Ontario any protection whatsoever.

**The Acting Speaker:** It being 9:30 of the clock, this House is now adjourned until 1:30 of the clock on Monday, October 26.

*The House adjourned at 2128.*

## ERRATA

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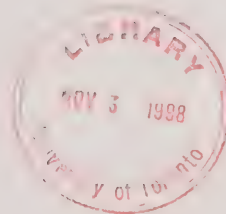
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**Monday 26 October 1998**

**Lundi 26 octobre 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Greffier**  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 26 October 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 26 octobre 1998

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### SENIORS' HEALTH SERVICES

**Mr Bruce Crozier (Essex South):** I'm speaking on behalf of Reta Duenisch Turner, the late Mr Ronald Latimer and the thousands of senior citizens across the province who are being mistreated, disrespected and underserved by the Mike Harris government.

Last week, at a meeting appropriately titled Seniors Under Attack, the Alliance of Seniors to Protect Canada's Social Programs brought forth experts to discuss our health care and long-term-care programs in Ontario, but they also presented the tragic human cost that has resulted from this government's blatant neglect of the needs of our senior citizens.

In her presentation, Ms Duenisch Turner talked about her friend Mr Latimer, who was treated so badly by the health and long-term-care system that he refused to go back: incidents of waiting for hours to be attended to in ER; being admitted to the ER and having to undergo the same repeated tests and being shipped home alone so that he wouldn't take up one of their valuable beds; not being able to get drugs to make his treatment more bearable because it wasn't covered by the drug plan; being refused at two emergency wards and not being accepted at a hospital before a Visa card was presented; not having the adequate long-term-care services that would have made Mr Latimer's ordeal more civilized.

This government should be ashamed of its talk about how much it is doing for seniors. It's time to listen to our seniors and health care professionals, time to go out and see what's really happening. I'm sure that Mr Latimer would not have wanted to be used as an example of how poorly he was cared for in our system. He should have been treated like a person, with dignity, not considered to be a body taking up a valuable bed in the ER. Mr Latimer was not a statistic but a human. The government seems to have forgotten this fact.

#### SCHOOL CLOSURES

**Ms Marilyn Churley (Riverdale):** I attended a very disturbing news conference this morning held by the Metro Parent Network. We've been hearing rumours for

some time about the impact of the government's plan to close schools across the province.

Today some of the parents came forward on the steps of Queen's Park to tell us that up to 100 schools across Toronto will be closing because of this government. Communities are bracing themselves once again to fight the really dumb policy brought forward by this government. They're bracing now to keep their community schools open.

I can tell you, in Riverdale already there are three small Catholic schools slated to be closed. Pretty soon, later this week, we will be finding out which schools are on the list across Toronto.

In measuring the schools for students, the government took into account hallways, gyms, lunchrooms. It doesn't make any sense. Classes cannot be held in those parts of the school.

The parents and the students of this city, and indeed all of the province, will be calling on the government not just for a rural solution to this problem; we want a solution across the province, including Toronto, to keep our schools open in our neighbourhoods. They are part of our community. We will fight to make sure that happens.

#### TORONTO ASSOCIATION FOR COMMUNITY LIVING

**Ms Marilyn Mushinski (Scarborough-Ellesmere):** It gives me great pleasure to rise in the House today to recognize the tremendous contribution of the many volunteers in private sector involvement with the Toronto Association for Community Living.

Last week I had the privilege of attending a reception in the Lieutenant Governor's suite in celebration of their 50th anniversary.

TACL provides a wide range of support services, both residential and non-residential, for approximately 4,000 developmentally handicapped children and adults.

This government recognizes the important role that volunteers play in helping to develop strong and vibrant communities. It knows the volunteer sector contributes significantly to the economic and social well-being of the province.

Organizations such as the TACL are dependent on their volunteers. Cay Sheddan has dedicated numerous hours to the association, especially to the Harold B. Lawson Centre in my riding of Scarborough-Ellesmere.

Likewise, Mr Glen McConnell, vice-president and general manager of Pattison Outdoor Advertising, has



personally committed himself to this worthy cause since 1996 when he co-chaired several fundraising events. He exemplifies the tremendous contribution the private corporate sector makes to the success of organizations such as TACL.

Mr Speaker, I would ask that you join me in recognizing the following volunteers who are living proof that the volunteer spirit is alive and well in Ontario: Agnes Samler —

**The Speaker (Hon Chris Stockwell):** Thank you.

### HOSPITAL RESTRUCTURING

**Mr James J. Bradley (St Catharines):** After several weeks of deliberations behind closed doors, the Ontario Health Services Restructuring Commission or, as many appropriately call it, the hospital destruction commission, will issue its pronouncement on the future of hospitals in the Niagara region tomorrow.

During the last provincial election campaign in 1995, Conservative leader Mike Harris said, "Certainly, I can guarantee you, it is not my plan to close hospitals." Since he became Premier, Mr Harris has closed 40 public and private hospitals or forced them to merge.

When Dr David Foot, author of the book *Boom, Bust and Echo*, was asked by a Brock University student what advice he would give to Mike Harris considering the demographic makeup of Niagara, he stated, "Don't close hospitals."

To my question in the Legislature last Wednesday concerning the underfunding of Niagara hospitals, Health Minister Elizabeth Witmer refused to give any assurances about funding or the future of hospitals in Niagara and chose to hide behind the commission established with unprecedented dictatorial powers by Mike Harris in the infamous Bill 26.

The Niagara region has, on a per capita basis, the oldest population in Ontario and will need both acute and chronic care facilities. Thousands of our residents signed petitions and attended public meetings to save our hospitals. Their view should be respected because their advice was good. If the commission sugar-coats its report, we will not say, "Thank you for amputating us at the knee; you could have amputated us at the foot."

### ONTARIANS WITH DISABILITIES LEGISLATION

**Mr Peter Kormos (Welland-Thorold):** I'm urging people across this province to pay some very special attention to what happens in this Legislature this coming Thursday morning, October 29, during private members' business.

I say this because there is going to be a resolution presented to this Legislature, which members are going to be called to vote on, that's going to call for this government to keep its promise to introduce and pass an Ontarians with Disabilities Act — not mere lip service, not some insane proposition of voluntary compliance.

Think about it. Should we repeal the Highway Traffic Act and rely on mere voluntary compliance? Why not have voluntary compliance with manslaughter laws?

We need an Ontarians with Disabilities Act that is tough, that has teeth and that indeed addresses the issue of access to all facets of Ontario life for persons with disabilities; not just access to buildings but access to the economic activity of this province.

This government repealed employment equity and now this government drags its feet on the issue of real legislation to give those persons with disabilities some of the fundamental rights that the balance of Ontarians have enjoyed for a significant period of time.

New Democrats are going to be supporting this resolution and I'm confident members of the official opposition will. The real test is where Tory backbenchers stand. That's what I want people —

**The Speaker (Hon Chris Stockwell):** Thank you.

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### BONNIE PATTERSON

**Mr R. Gary Stewart (Peterborough):** I rise today in the Legislature to offer my congratulations to Professor Bonnie M. Patterson who was installed as Trent University's sixth president and vice-chancellor on October 2 of this year. Ms Patterson is the first woman president and vice-chancellor of Trent and the second woman to be named as the head of a Canadian university.

President Patterson has a long list of credits which include dean of the faculty of business for Ryerson Polytechnic University; professor of the school of administration and information management, Ryerson; chair of the school of administration and information management; and lecturer at the University of Western Ontario. President Patterson is an experienced and accomplished administrator as well as past president of the Council of Ontario Universities.

At the installation, a great deal of praise was extended to President Patterson on her past accomplishments. Included were remarks that she is held in high esteem in the university community and beyond. She was also noted as someone who has been a forceful and articulate advocate of a liberal arts education.

President Patterson joins an esteemed team of women from Trent that includes Ambassador Mary May Simon, Canada's first Inuit ambassador for circumpolar affairs, who is the university's chancellor.

I congratulate not only Bonnie Patterson but Trent University in choosing a dynamic personality for the presidency of that university.

### TUITION FEES

**Mr David Caplan (Orillia):** I rise today on behalf of the students of our post-secondary programs to tell members about the Premier's latest mean-spirited comments around the issue of student debt.

As members know, Mike Harris was in St Catharines last week, and when pressed on the issue of student debt, his only response was this outrageous statement: "I was a little bit disappointed with the amount of pessimism that seems to be there with the cost of going to college or university." He continued and said he "thinks that the debt might put off the BMW for one more year, but I don't think that ought to be a barrier to anybody."

This comment is shocking. This from the Premier who promised to make changes to make OSAP work for students. Debt loads continue to grow and grow, with the average student debt on graduation being \$25,000, and these aren't car loans, Premier, they're debts to banks.

Is OSAP more accessible on the Premier's watch? Well, no. Now it's harder for students to qualify: They have to live away from home longer, their parents have to contribute more and there is still no loans program for part-time students.

I hope these government members are proud of their Premier's comments on this issue and I know that students in Ontario now understand more clearly why this government won't take any real action on debt. It's because their Premier doesn't believe it's a real problem.

I know I'm proud to stand with my leader, Dalton McGuinty, and his commitment to freeze tuition. I'm sorry the Premier is unwilling to make the same commitment to our young people.

### HOSPITAL EMPLOYEES

**Ms Frances Lankin (Beaches-Woodbine):** Another group of workers in Ontario, who have been under constant attack from the Harris government, have said today, "Enough is enough."

I'm talking about hospital workers. I'm talking about hospital laundry workers, hospital dietary workers, hospital nursing aides, ambulance drivers, hospital cleaners — people, 50,000 or so of them across this province, 90% of them women, who work to keep our hospitals running and keep them clean and safe and make sure that our patients are getting their food on time and that the supplies and linens are all there and are clean.

These people have said to the Harris government, "You can't have it both ways." You've taken \$800 million out of the hospital system. Talks have broken down at the central bargaining table, with 180 hospitals at it, because the OHA wants to take away job security language because that's the only way they can meet the government's fiscal priorities, the cuts the government has imposed on the hospitals.

At the same time, when they say, "OK, we have a dispute, let's go to arbitration," you've changed the arbitration process. You've taken away the fair, independent arbitrators and replaced them with a bunch of appointed judges, retired judges who know nothing about labour relations, who know nothing about the jurisprudence in the hospital sector, who are giving awards which are absolutely incredible, taking away things like supple-

mental health, calling it a luxury and a perk. No wonder these people have said, "Enough is enough."

We may be facing an illegal strike in this province because of the Harris government and your cuts to hospitals.

**The Speaker (Hon Chris Stockwell):** Reports by committees? I forgot, one more statement. I apologize to the member for Durham East.

### BASEBALL CHAMPIONSHIPS

**Mr John O'Toole (Durham East):** Thank you, Mr Speaker — probably the most important member's statement of the day, arguably.

My riding of Durham East is made up of many small communities like Blackstock, Hampton, Orono and Kendal, to name but four, to follow the member for Renfrew North's opening lines. However, we had four baseball teams from Kendal that recently competed in the provincial championships. Kendal is a very small community in my riding of Durham East. This is a major achievement, for a very small community to win a provincial E-level championship not just in peewee, but in the midget level as well.

It would be remiss of me not to mention the important contribution of volunteers like the baseball association coaches for the Kendal Royals, led by Ron Davis and assisted by Bob Palmer, Harvey Hamilton and Rob Davis.

They keep reports on this. It's clear that they had very sterling pitchers in Kyle Searle and Bryan Bickell. There was an excellent two-run homer by a player named Jesse Gimblett.

It's clear that the contributions of the community volunteers in small communities in Ontario really can achieve great things. Imagine that, the Ontario champions being a team from a small community like Kendal, Ontario. I think the House should recognize this accomplishment and join me in applauding that team today.

### INTRODUCTION OF BILLS

#### INTERCOUNTRY ADOPTION ACT, 1998

##### LOI DE 1998

#### SUR L'ADOPTION INTERNATIONALE

Mrs Ecker moved first reading of the following bill:

Bill 72, An Act to govern intercountry adoptions and to implement the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption in order to further the best interests of children / *Projet de loi 72, Loi visant à régir les adoptions internationales et à mettre en oeuvre la Convention sur la protection des enfants et la coopération en matière d'adoption internationale afin de favoriser l'intérêt véritable des enfants.*

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.



**Hon Janet Ecker (Minister of Community and Social Services):** This legislation does two key things: It implements the Hague Convention, which is an international adoption agreement to protect families and children signed by 66 countries, including Canada; secondly, because 80% of Ontario adoptions come from countries which have not signed this convention, this bill implements a licensing system for those involved in helping families to adopt from overseas.

I'd like to thank ministry staff, members of the NDP caucus for their input, and also the member for Lawrence.

## MOTIONS

### HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that pursuant to standing order 9(c), the House shall meet from 6:30 to 9:30 pm on October 26, 27, 28 and 29, 1998, for the purpose of considering government business.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it. I declare the motion carried.

### VISITOR

**The Speaker (Hon Chris Stockwell):** I'd like to take this opportunity to invite all members to welcome to our chamber a special visitor seated at the table right in front of me: Mrs JoAnn McKerlie-Korol, who is the Clerk Assistant and Journals Clerk at the Legislative Assembly of Manitoba. Welcome.

**Ms Marilyn Churley (Riverdale):** Mr Speaker, everybody here knows about the tragic shooting of the doctor in the United States who was performing safe, legal abortions. Doctors here in Ontario are concerned. I'm asking for unanimous consent for a statement from the minister responsible for women's issues.

**The Speaker:** Agreed? No. Time for oral questions.

1350

## ORAL QUESTIONS

### SCHOOL CLOSURES

**Mrs Lyn McLeod (Fort William):** My question is for the Minister of Education. On Thursday the Toronto Board of Education is expected to announce their decisions about what schools are likely to have to close if they're going to live with your funding formula. Toronto parents were here this morning to try and tell you how concerned they are about what's going to happen to their children. They want to know where their children will go.

They want to know how far they're going to have to be bused.

The parents who were here today hold you and your government directly responsible for forcing these schools to close. They know that you've cut \$57 million out of the maintenance budget of the Toronto Board of Education. They know then that there's not enough money to keep these schools open. They know that you have refused as recently as last week to extend the deadline, forcing school boards to make decisions about what schools will have to close.

Minister, will you put back the dollars that you've cut out of board budgets, the over \$150 million that you've taken out of budgets to heat, light and clean those so-called extra spaces, so that boards aren't forced to close these schools?

**Hon David Johnson (Minister of Education and Training):** I will say that the Toronto Board of Education will have more revenues this year than last year, and the reckoning of the Ministry of Education is that the total revenues of the Toronto Board of Education will exceed \$2 billion, fairly close to \$2.2 billion, this fiscal year as opposed to about \$2.1 billion in the previous fiscal year.

Given those extra revenues coming in to the Toronto Board of Education, it's a good question that the parents should be asking—and I agree with parental involvement—they should be asking the Toronto Board of Education to organize their affairs accordingly so their students receive the best possible education in the best possible accommodation. I encourage parents at the local level to deal with the board and to assist the board in making the best decisions, given the fact that the province is allowing more money to the Toronto board in 1998-99.

**Mrs McLeod:** Minister, stop playing games with those kinds of numbers. You know full well that there are 44,000 more students in the Ontario school system this fall and that you are supposedly providing education for those students with no new dollars—44,000 more students; no new dollars—and that's why you're cutting money out of the maintenance budget, about \$150 million across the province cut out of the money to heat, light and clean what you have decided are extra spaces.

It's not just Toronto; you know that. In Avon Maitland they'll be meeting tomorrow night to decide what schools will have to close, because you've taken about \$2.5 million out of their maintenance budget. Hamilton-Wentworth school board met last Thursday and they decided that they could not follow your rules. They could not close the kinds of schools that you expected them to close because of your funding cuts. They said that neither your rules nor your funding worked for their students. Now they have to find millions of dollars someplace else to keep their schools open, and according to your formula, they can't deal with students who haven't been at a new school in Ancaster.

The Hamilton-Wentworth board has said that school closures you're forcing are wrong for students and they won't do it. What do you say to Hamilton-Wentworth?

**Hon David Johnson:** I would say to Hamilton-Wentworth exactly what I have said in this House and I

say to the other boards, that this is a board decision. If Hamilton-Wentworth doesn't feel that they should close any school, that's fine by me. This is a decision that's totally up to each individual board.

The member noted the Toronto situation. In the case of Toronto, according to the chair of the Toronto board, the average maintenance cost per square foot I think was roughly \$6.50 last year, which is way above and beyond the norm across the province. The norm across Ontario is \$5.20, and indeed about half of the boards are operating more efficiently than that.

I guess I would say again to the boards that are operating efficiently, "Right on, we should encourage you," and I would say to the boards such as here in Toronto, where they're operating much higher than the average rate, "If other boards can operate more effectively and efficiently, why can't you here in Toronto, and other boards, operate effectively and efficiently?"

**The Speaker (Hon Chris Stockwell):** Final supplementary.

**Mr Pat Hoy (Essex-Kent):** Yesterday I hosted a meeting in St Thomas. Parents from southwestern Ontario came to express their deep concern about your government's agenda for publicly funded education. Don't tell me that your funding formula helps small and rural schools. Nobody in rural Ontario believes you. Bob Shepherd from Romney Central School, was there. His picture is in the Toronto Star today. He is a symbol because Romney is the first school closed. Your government's one-size-fits-all formula closed his school. Your formula does not recognize the unique needs of his community. I have tried to tell you that. The Ontario Federation of Agriculture has been trying to tell you that. On Saturday, almost 1,000 parents marched in Stratford to protest rural school closings.

When are you going to fix your funding formula to recognize the importance of rural and community schools in Ontario?

**Hon David Johnson:** I will say that the funding formula makes specific provision for specific cases such as remote and rural schools. There's about \$90 million in the formula which will be distributed to about a third of the boards across Ontario to assist them because they are located at great distances from some of the major urban areas. There's also about \$40 million for small schools, specifically elementary schools with an average class size of less than 20, for example, and that money will assist schools in that direction.

When the member talks about the funding formula, I note that the director of education for the Catholic District School Board of Eastern Ontario has said, "This formula will go a long way to helping us build pupil places." The director of York Region District School Board has indicated, "It is wonderful news to us."

We are simply attempting to be fair and equitable to all the boards across Ontario, to give them the money to work with their communities to provide —

**The Speaker:** New question.

## SPECIAL EDUCATION

**Mrs Lyn McLeod (Fort William):** My question is for the Minister of Education. On September 28, I asked you why the funding to support students with high levels of need had not yet been provided to school boards, some three weeks into the school year. I expressed to you the concern of parents that their children were at home because the support was not there. You told me the money was in place, but as of Friday, the money was still not there and parents are continuing to call.

Mr Proulx of Toronto called me this morning about his visually impaired son, Samuel. Samuel needs specialized computer support to continue with his grade 6 program. The computer was tentatively placed on order last April but it can't be actually ordered because the money for it hasn't come. Minister, can you tell Mr Proulx why there is still no support in place for his son?

**Hon David Johnson (Minister of Education and Training):** I will say that the monies which have been set aside for special education, over \$1 billion — roughly \$1.1 billion, as a matter of fact — are flowing to the particular boards. The amount of money we announced back in March of this year, some \$1.052 billion, is flowing to the school boards as we speak. The Lakehead District School Board, for example, has been the beneficiary of about half a million dollars. These monies are flowing.

In terms of the fine-tuning of the special education grants, the very small amount in addition to the \$1.052 billion is being worked with the local school boards, but the vast majority of the money is out and flowing to the school boards as we speak.

**Mrs McLeod:** Minister, we were told on Friday that the money to support the individual needs of high-needs children has not reached the school boards. That's why we're getting calls from parents. You told me a month ago that the money for these children would be there; it is still not there.

I'll give you another example, a parent who called us last week, Mr Harry Pott. His son is one of the young people who need that kind of full-time support if he's even to stay in school. He goes to Thousand Islands Secondary School in Brockville, and at the beginning of September he was told that he could only attend school until 2 o'clock in the afternoon because that's all the support that could be provided until the new funding arrived. There is still no funding for Mr Pott's son to go to school full days. His father wants to know what's happening. Don't talk to Mr Pott about fine-tuning; tell him why the money for his son is not in place.

**Hon David Johnson:** That's a question that should be addressed by the board, because this government has assured each and every board that not only is the flow of money there today, but some \$1.052 billion is flowing in monthly allotments to the various boards. That includes the intensive support amount as well as the basic grant amount. Those monies are flowing to each and every one of the boards. The boards have been guaranteed enough money to ensure that each and every special education student has the same support they've had in the past.



We've made that pledge, monies are flowing and those questions should be placed to the board as to why the students are not getting the proper support.

1400

**Mrs McLeod:** The boards say that the money has been promised, that they've been told it's coming but it's not there. Your government has a remarkable record of saying something is going to happen and then not doing anything for months or years. We've seen emergency room funding, we've seen chronic care beds not up, we've seen cancer care funding not flowing. In your own ministry we had scholarships that were announced and never did get put in place; they just simply disappeared. This time there are children, young people out there with very special needs and you can't simply ignore them. You can't make their needs fit your formula before you provide the support.

Minister, I suspect your promise is costing you a lot more than you expected. I suspect that's probably why you are meeting this week to start to re-evaluate your promise before the money has actually flowed. But all that parents know is that their children are at risk. You said the money was there. As of last Friday, almost two months into the school year, it simply was not. The parents want to know why the money's not there. Minister, tell them what's going on.

**Hon David Johnson:** I'm sorry to disappoint the member opposite, but this government for the first time ever in the history of any government has defined and protected the special education monies going to the various school boards, and this government has insisted that over \$1 billion in special education be spent on special education. Those monies we promised back in March are flowing to the school boards as we speak. That includes the basic amount for school boards and that includes the intensive support amount.

What is happening now is the last fine-tuning amounts, the very small per cent. We're working with the boards on that very fine-tuning. But those monies are flowing to the boards as we speak and the boards should be giving the students the kind of services they received in the past. If they aren't, then they're not doing their job.

#### ABORTION

**Mr Howard Hampton (Rainy River):** In the absence of the Premier and the Deputy Premier, I want to ask this of the acting Premier. Over the weekend we witnessed the tragic shooting and death of a doctor who had been providing safe, legal abortions to his patients. This is the fifth sniper shooting of a doctor since 1994. Two years ago a physician in Ancaster was shot by a sniper.

We've heard from the President of the United States. He has condemned this. The US Attorney General has condemned it. The OPP has condemned it. The RCMP has condemned it. The FBI has condemned it. Yet your Premier and your government are completely silent. Minister, the Premier is out there attacking health care workers, attacking teachers, attacking union members, attacking poor women who are pregnant. Why has the

Premier and your government been completely silent on this tragic issue?

**Hon David Johnson (Minister of Education and Training):** I refer this matter to the Minister of Health.

**Hon Elizabeth Witmer (Minister of Health):** First of all, let me stress that our government certainly does not approve and does condemn what happened. We believe that these situations are very tragic and we take them very seriously. The safety of all our professionals in the medical field is of tremendous concern to each and every one of us, and I can assure you that if the Ministry of Health is asked to assist in any way in this investigation, we would certainly be prepared to do so.

**Mr Hampton:** Minister, this was a sniper shooting, a murder of a physician. As I told you, a physician here in Ontario was shot two years ago. Your government is completely silent on this issue; in fact, worse than that. We asked for unanimous consent today, and I believe your minister responsible for women's issues was one of the members who said no — no to standing up and saying on the public record: "This is wrong. This cannot be accepted."

In 1992, when the Morgentaler Clinic was bombed, the Minister of Health at that time, Frances Lankin, who sits here beside me, was on her feet the next day to condemn the bombing and to say that the clinic would be rebuilt and those medical services would be provided. We hear nothing from you or your Premier, absolutely nothing, and nothing from the minister responsible for women's issues. This is the time for leadership. This is the time to condemn this cowardly act. Minister, will you do that now, and will your Premier do that?

**Hon Mrs Witmer:** As I indicated in my first sentence, these types of situations are extremely tragic and we certainly take them very seriously, but it's also important to make the public aware of the difference. In 1992, that was a situation that occurred in our own province, the province of Ontario, and it was necessary, obviously, for Ontario to show leadership. The situation we're talking about today is one that occurred outside of our boundaries. But, as I said to you, our government takes this very seriously.

This is an investigation that is presently taking place. The police are conducting this investigation, and as I said in my first response, our government and the Ministry of Health are prepared to help the police in any way we can in this situation, and we will do so.

**Mr Hampton:** This is a campaign, and I believe even the police are saying this, to intimidate physicians, to intimidate them not to provide a medical procedure which is covered by our laws and covered by our system of health insurance. Your government has been completely silent. Your Premier, who has something to say about almost everything, has been completely silent.

Worse than that, your government has actually been shutting down the provision of abortion services yourselves. You've cut \$800 million from hospital budgets. When you amalgamated hospitals, when you forced the amalgamation of Wellesley with St Michael's, up to 1,500

procedures a year were cancelled. Now you've placed a billing cap on physicians who perform abortions, a strong disincentive for any doctor in this province to perform this medical procedure.

**The Speaker (Hon Chris Stockwell):** Question.

**Mr Hampton:** Minister, your government is actively participating in a campaign to shut down access to safe, legal abortions. When will you —

**The Speaker:** Minister.

**Hon Mrs Witmer:** Let me again stress the fact that this is a very tragic situation. It is a situation whereby the OPP in this province is co-operating with the FBI in the United States in order that the individual or the individuals responsible can be located.

Let me also say to you that this government has not taken any action to decrease the services. In fact, when the hospitals went through the period of the amalgamation, the services were transferred and discussions were held with other physicians in order that those procedures could be provided for elsewhere. As you know, if you take a look at hospitals in this province, not every hospital provides every service.

**The Speaker:** Answer, please.

**Hon Mrs Witmer:** In some hospitals you can get cardiac services and in other hospitals you can't. In some hospitals there's dialysis and in others there isn't.

**The Speaker:** Thank you. New question, leader of the third party.

1410

## MENTAL HEALTH SERVICES

**Mr Howard Hampton (Rainy River):** My next question is also to the Minister of Health. I say to the minister, your silence on this issue and your government's silence on this issue speaks volumes, and the effect of your decision is to shut women in this province off from safe, legal abortion procedures.

I want to ask you now about mental health funding. You were on your feet on June 3 of this year to announce \$60 million for mental health services. Today, Dr Tyrone Turner, who practises at St Joseph's Hospital, indicated that less than \$20 million of that money has been received. It's now five months later. We're seeing the same pattern of empty, phony, cynical health care announcements by you and your government. When are the hospitals and the clinics going to see the further \$40 million that you were so proud to announce but have done so little to deliver?

**Hon Elizabeth Witmer (Minister of Health):** I can certainly indicate to you that we were very proud to be able to conduct an extensive review of mental health services in the province of Ontario. I was very pleased that my parliamentary assistant was able to conduct that investigation and review, because unfortunately the strategy that had been developed by your government was no longer responding to the needs of people in this province who had mental health needs. I'm very pleased to say that we are working with the communities and we want to make sure

that we have the providers, that we have the locations in place.

The money has been flowing to those communities and we're now pleased that we see court diversion programs, that we see the teams in communities that can give the 24-hour support.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mrs Witmer:** We are providing the community services that are necessary before we take any further steps regarding the psychiatric hospitals. I might say —

**The Speaker:** Supplementary.

**Mr Hampton:** Minister, you're asking me to believe you over Dr Tyrone Turner. Let me tell you, I believe Dr Tyrone Turner, and the people of Ontario will believe Dr Turner long before they believe you. You now have a track record of a series of empty, phony, cynical announcements about health care, announcements that aren't fulfilled.

The reality is that you keep saying you're waiting to hear from your advisory committee on this issue. That's the gist of your answer today. You cancelled the last meeting of your advisory committee back in August and you've yet to schedule another meeting. Perhaps you really don't need their advice. If your true purpose here is simply to make these cynical announcements and then to delay, delay, delay, you really don't need their advice. But the problem is that the situation out there is becoming more urgent. When are you going to forward this money to the people in this province who desperately need mental health services?

**Hon Mrs Witmer:** In comparison to the steps that were taken by your government, we have made tremendous strides. As you know, not only did you close psychiatric hospitals and not provide the community support, we actually put the moratorium on the closure of the psychiatric beds until such time that the community services were in place.

I'm pleased to say that we are meeting with our provincial stakeholder group because we believe it's important that the individuals — the providers and the people who access the services — make sure they approve of the provincial strategic plan. In fact, our mental health announcement was lauded by Dr Garfinkel and the London Free Press indicates, "Health Minister Witmer deserves credit for bringing order to the tumultuous changeover in mental health services in Ontario."

**Mr Hampton:** Minister, you try very hard to miss the point. Yes, you're wonderful at making announcements. We all agree on that. I've never seen a minister who can make so many announcements. The trouble is, the track record shows they're always empty, phony announcements. Five months later, six months later, people are being denied the health services they need. Physicians, hospitals, clinics are having to work harder and harder, trying to hold Band-Aids together. That's the situation you're creating.

Minister, even your parliamentary assistant Mr Newman said that the announcement you made last spring wasn't enough, that you had to come forward with income



and housing supports. Here's the track record since last June: You make the announcement, you cancel the meeting with the advisory committee, the money doesn't flow and we see no indication of income and housing supports. Is this another problem at Management Board? Does your colleague sitting beside you not approve of this funding of the health care system? What's the problem over there?

**Hon Mrs Witmer:** I don't believe that the leader of the third party understands that during the five years the NDP were in office, not only did they not provide any additional funding but they also released people from psychiatric hospitals without community support. We have now, in co-operation with the stakeholders in Ontario, recognized that mental health services, including jobs, housing and community support, are available. We have flowed \$20 million; we have flowed \$40 million.

Yes, my parliamentary assistant recommended that more money be made available, and I am pleased to tell the leader of the third party that we will soon be in a position where we will be able to completely flow even more money than the millions we've already flowed because, unlike you, we're going to make sure we have a strategy that meets the needs of people, and it will.

#### CARDIAC CARE

**Mr Gerard Kennedy (York South):** I have a question for the Minister of Health. I want to ask you, on behalf of the greater Toronto area cardiologists, why you haven't responded to the information they've provided you. As you know already, this information is not just about surgeries but the tests people with heart problems need in order to get to surgery. You know that GTA cardiologists, the doctors who look after people with heart problems, have released statistics to say that 76 people have died in the GTA, not waiting for surgery but waiting for these tests.

You've known about this since September last year; it has continued. They've just released statistics about the 76 people either dying or having severe heart attacks, and the sad thing about this is that these people are dying at a higher rate than the people on the waiting list for surgery and yet they're further back in line. You've known about this for a time. What I'm here to ask you today is, what are you doing about it?

**Hon Elizabeth Witmer (Minister of Health):** I'm pleased to say that our government built upon the fine work that was done by the NDP in setting up the Cardiac Care Network of Ontario. We have since 1995 reinvested more than \$65 million into cardiac services, and I am very pleased to say that we have been able to provide for 16,000 more lifesaving procedures this year, for a total 60,000 this year alone, as a result of our \$65-million investment.

**Mr Kennedy:** The minister knows that community cardiologists have been told that things were going to happen last year. Nothing has happened. They are still finding that people can't get in to see the people running

the labs. They aren't getting the tests taken. More people are dying waiting for the tests than are waiting for surgery. You're not taking care of the problem. You haven't changed a thing about the access that people have.

They've asked for some very reasonable things. They want to make sure people have access to cardiologists, they want you to change how people are referred to the system and they want you to put more funds in because you said you would. In September last year, the Cardiac Care Network said you should put more money in, in this case, because angiograms are needed to keep people alive.

Seventy-six people have died or had a heart attack while waiting or waiting far back on the list. Will you at least today acknowledge that there is a problem and that there is something you're going to do about it?

**Hon Mrs Witmer:** We acknowledge that there is a need to continue to reinvest in priority services such as cardiac care in order that the 16,000 individuals who received life-saving procedures this year can be increased even more.

Let me tell you what we have already done. We have listened to the Cardiac Care Network, and in December 1995 we provided \$8 million for 1,435 cardiac surgeries; \$2 million in September 1996 for one-time funding for over 750 coronary stent cases; \$35 million for 10,000 patients on March 11, 1997. On March 10, 1998, we invested, in response to the request of the Cardiac Care Network, \$10.2 million to support cardiac infrastructure needs —

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mrs Witmer:** — and to expand cardiac management program services. This money has been provided to communities across this province, and let me —

**The Speaker:** Member for Algoma. Minister, come to order.

1420

#### EDUCATION FUNDING

**Mr Bud Wildman (Algoma):** I have a question to the Minister of Education and Training. Will the minister confirm that school boards serving more than 27% of Ontario's school children must cut the operating costs of their schools by more than \$1 a square foot because of your new funding formula?

**Hon David Johnson (Minister of Education and Training):** I will confirm that the operations and maintenance monies provided to the school boards across Ontario are about 1.5% in total less than in 1997. Some boards will receive more; some boards will receive less. The median provided, at \$5.20 per square foot, obviously is more than about half the boards have already been spending and less than about what the other half are spending. We've been attempting to encourage boards to use best practices and to be most effective and efficient, as many boards already are.

**Mr Wildman:** I guess that's a yes.

The minister knows that there have been divisive school closing discussions going on across the province as

a result of the new funding formula for boards, and the minister claims that the decisions are solely the responsibility of the boards.

We have an independent study now that uses the ministry's own submissions in court which prove what we've been saying all along: that the government has taken about \$1 billion out of our schools. The minister talks about the median. The new funding formula uses a median expenditure by boards as a benchmark. The medians are the Brant county Catholic board and the Kent county Catholic board, those old boards. The benchmark for operating costs is based on the spending of these two boards, which each had an enrolment representing less than 1% of Ontario's students.

Will the minister come clean and admit that the new funding formula, which is dependent on these median boards—

**The Speaker (Hon Chris Stockwell):** Thank you, Minister.

**Hon David Johnson:** I certainly wouldn't admit that, because it wouldn't be truthful. What I would say is that the amount of funding per student in the classroom will go up over the next three years because, and I'm proud to say this, this government is focusing the spending into the classroom. The people of Ontario feel there is a great deal of money being spent on education in the province. Indeed there has been. Last year there was about \$14.5 billion spent on education. This year there will be about \$15 billion spent on education, which is more monies being spent on education than ever before, but more of it will be in the classroom and there will be more money spent per student in the classroom than before.

Yes, I'm again proud to say that outside of the classroom in terms of the bureaucracy, in terms of the administration, there will be less money spent, and we are demanding efficiencies outside of the classroom. But in the classroom, where it counts, there will be more money spent and more money spent per student.

#### LAND USE PLANNING

**Mr R. Gary Stewart (Peterborough):** My question is for the Minister of Natural Resources. Well over a year ago, your ministry embarked on one of the most ambitious and extensive consultations in the history of this province on the Lands for Life program. The three round tables travelled throughout the province, seeking the input of Ontarians from all walks of life on the future shape of crown land use planning. Minister, what is the current status of the Lands for Life program?

**Hon John Snobelen (Minister of Natural Resources):** I want to thank the member for Peterborough for the question on an issue that I'm sure is important to many people in Ontario. I am very proud of the Lands for Life process for a variety of reasons, first and foremost because this represents a completely new focus on local input into the very important land use planning here in Ontario. It's heartwarming that more than 15,000 people have participated with the round tables in these deliberations over the past few months.

The members of the round tables have worked very hard to consolidate some very passionate information they have received from the public over those months, consolidating that into a plan that will be good for the future of Ontario. I want to thank the members of the round tables for their hard work, particularly Bettyanne Thib-Jelly, who was the chair of Boreal East, Bob Michels, who was the chair of Boreal West, and Bob Gray, who was the chair of the Great Lakes-St Lawrence round table, for all of their hard work on behalf of future generations of Ontarians.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. I just want to make sure I can hear you. Member for Peterborough.

**Mr Stewart:** Thank you, Speaker. I'm glad they wanted to hear me, because when we get heckling like that, I automatically know we're on the right track.

Minister, you have identified what I believe is one of the hallmarks of the Lands for Life process, which is a shift from ministry-driven to citizen-driven land use planning. What opportunities will exist for future public involvement in the Lands for Life process?

*Interjections.*

**The Speaker:** Minister.

**Hon Mr Snobelen:** Thank you, Mr Speaker. As you know, I haven't had much experience in standing in this House and speaking over heckling, so this will be a new experience for me.

I can tell the member for Peterborough that over the last couple of months, the round table chair has been working very hard to consolidate the three reports into one report, and I hope to receive that report very soon. As soon as I receive that report, we'll make it publicly available so that we can have more comment and more advice from the public on the work of the round tables, and that input and those comments will help us form the framework of the government's response to the land use planning process that has involved so much public input.

Our goals in this are shared by people across the province: completing the parks and protected areas in Ontario, certainly for those whose livelihood depends on natural resources, and improving the opportunities for tourism and for hunting and fishing in Ontario. Those are laudable goals and goals that I believe are shared by many people right across the province.

1430

#### PROPERTY TAXATION

**Mr John Gerretsen (Kingston and The Islands):** In the absence of the Premier and the Deputy Premier, my question is to the Minister of Municipal Affairs and Housing.

Last week, and very ironically during Small Business Week in this province, we saw the last chapter of the sorry property tax saga in this province take one further step when the Minister of Finance introduced his eighth bill. It's interesting that it didn't deal at all with any of the



residential property taxpayers who also in many situations are expected to pay huge tax increases this year.

You are now forcing municipalities out there to, in effect, send another tax bill. Why are you attacking municipalities and why are you attacking the municipal taxpayers to this extent? It has now been eight or nine months that most municipalities haven't even been able to set their budget, haven't been able to send out the proper tax bills. When they finally did, you got it wrong once again. Why are you creating this chaos in the province, and why are you attacking small business in this province on a continual basis?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** I am just amazed at the comment from the member opposite when he says, "Why is this government attacking small business?" This government proposes to bring in legislation that will protect small businesses from unfair tax increases.

I also think it's very appropriate that this legislation is being proposed as we start Small Business Week.

We intend to cap tax increases for any business in the commercial-industrial field at 10% in 1998, 5% in 1999 and another 5% in 2000. We think that's fair. We know it took at least 50 years to get into the mess that we're in with the assessment system in Ontario. We also know that you're not going to correct all of the errors of the past overnight. You're going to have to phase in increases and decreases. We want to make sure that those increases are phased in in a fair and equitable manner. But the municipalities were not prepared to do that; this government is.

**Mr Gerretsen:** Every small business owner in this province knows that your government is totally incompetent when it comes to any kind of tax reform. You know as well as I do that whereas some property owners and small business owners may have their tax increases limited in the upper scale, the municipalities now have to go back to those people who are getting decreases and get more money from them, which is totally unconscionable. As some people have said, it looks as if the provincial tax policy here is set by Vanna White and her Wheel of Fortune.

Why don't you listen to the experts on this? You know as well as I do that an expert panel made up of CAOs in this province, made up of AMO —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order.

**Mr Gerretsen:** Minister, you know that an expert panel on taxation, made up of AMO members, made up of clerks and treasurers of this province, made up of the financial managers and officers of this province, has been waiting out there, has been offering its help to you, and you haven't even acknowledged receipt of their very reasonable solutions as to how the province ought to be dealing with this problem. Why aren't you listening to them? Why are you attacking small business? Why are you attacking municipalities? Why are you attacking the taxpayers of this province? You have continually done it, and you continue to do it.

**Hon Mr Leach:** I say to the member opposite, let's hear what the municipalities and the business community are saying. Judith Andrew of the Canadian Federation of Independent Business applauds the provincial move. Ontario Chamber of Commerce president Douglas Robson also supported the government move, saying that overhauling the system is decades old and it takes time to get it right.

The municipal reaction: Markham Mayor Don Cousens, whom your leader mentioned last week, says he's satisfied with the new deal. Mississauga Mayor Hazel McCallion said she was pleased that the legislation will shift the burden to other businesses.

This whole exercise is to make sure that we bring fairness and equity back into a broken system. It's going to take some time to do that. We recognize that. It's something you didn't recognize when you were in government and something you didn't recognize when you were in government. This government has had the intestinal fortitude to deal with a very, very difficult question. We're working with the municipalities, we're working with small business, and everyone will be satisfied with the outcome.

#### SCHOOL CLOSURES

**Mr Tony Silipo (Dovercourt):** My question is to the Minister of Education. Your new funding formula is causing potentially the closing of some 130 Catholic and public schools here in Toronto. As you know, the Catholic school board has already identified 29 schools that are now under review. A number of them are in my own west-end area of town, schools like St Rita, St Josaphat, R.W. Scott, schools that are offering good services and are functioning well as community schools. The public school board is going to be releasing the list later this week.

As I look at the difference in the funding formula, for example, for the public school system here in Toronto, it's \$360 million less when the plan is fully implemented, when your funding formula is fully implemented. That translates into about 100 fewer schools that the school board is going to have to go through and review and potentially close.

My question to you is simply this: Before this chaos continues in our schools, will you review your funding formula and take out from the calculation the space that you are now not using and make sure that you remove from the danger list some 130 schools here in the city of Toronto?

**Hon David Johnson (Minister of Education and Training):** As I've said before, this is an annual process that school boards go through. When the NDP was in power there were schools closed each and every year across Ontario; well over 100 schools closed when the NDP was in power. School boards are consulting with their parents about how best to use their resources, how best to meet the accommodation needs of their students.

The member mentioned the Toronto Catholic District School Board. Last year, that board actually received

\$624 million in total revenues. The revenues this year will be about \$70 million more for that particular board, about \$695 million to that board. That's a board that, within that amount of revenues, has the leeway to work with the parents to reach the best possible accommodation.

You mentioned the Toronto District School Board. That board has about 80 schools that it no longer uses for public school purposes that at one point were used for public school purposes. Maybe some people think it's about time that it dealt with those schools that it's no longer using. The school board can sell those schools, keep the revenues and use the revenues to build schools where it needs schools. These are the kinds of considerations that boards are going through at the present time.

**Mr Silipo:** I can tell you that at no other time in memory have the school boards here in Toronto gone through the kind of process that they're going through now, where 130 schools are up for closure. That's not an annual process; that's a completely new process that we can put at your doorstep.

Minister, I'm looking through the application of your funding formula to school after school in my own community. I look at, for example, a school like Earlscourt, which will see its overall funding, including, by the way, the funding that you define as classroom funding, going down; going down this year over last year, and certainly going down, by the time the full formula is implemented, about 12%, 13% or 14% school by school, and it's all because of your funding formula. It's because of the way you calculate the space and the other pieces.

One of the points that was made this morning to us by the Metro Parent Network as they looked at the chaos that you're causing was to say that at the very least you should take some responsibility for what is going on now. The school boards are going through this process, school communities are going through this process. If you won't change the funding formula, will you or your officials or your colleagues be part of those committees, be part of those discussions so that you can explain directly to the parents why their schools are being shut down?

**Hon David Johnson:** The process was set in place because for many years — well, frankly, forever — there has been a great disparity in funding across the province. I'm sure that all members of this House will realize that many boards, many schools in areas where there wasn't the same wealth, for example, that there might be in an urban centre, were denied the resources, and the disparity between the boards was immense. Some boards had a considerable amount more to spend on their schools and their children than other boards in wealthier districts. This government, for the first time, has attempted to be fair to all students, all schools, all boards, right across Ontario and provide the same level of support.

That level of support in the classroom is above and beyond what it has ever been before, and that's where it counts. Outside of the classroom, on administration, yes, it is reduced. I will confess to that: It has been reduced outside the classroom. But in grand total, there will be about \$15 billion spent this year on elementary and

secondary education. There will be an increase here in the Toronto Catholic District School Board and an increase in terms of total spending right across Ontario for elementary and secondary schools.

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## CONSUMER PROTECTION

**Mr Dan Newman (Scarborough Centre):** My question today is to the Minister of Consumer and Commercial Relations. As you can appreciate, purchasing a car represents one of the largest single investments an individual or family can make next to buying a home. As with most industries in our economy, car manufacturers and car dealers are fiercely competing for a competitive advantage when it comes to offering potential customers the best deals. Car dealers and manufacturers are using very sophisticated marketing techniques to sell cars: incentives such as no money down, 0% financing and guarantees that a certain price would be the best price in town.

In Saturday's edition of the Scarborough Mirror, a community newspaper that my constituents in Scarborough Centre receive free of charge, there are no fewer than nine large, glossy ads for new or used cars promising 0% financing and other marketing techniques.

Minister, what is your ministry doing to ensure that consumers looking to buy a new or used car are protected from misleading or overly aggressive advertisements designed to give one car dealer a competitive advantage over another?

**Hon David H. Tsubouchi (Minister of Consumer and Commercial Relations):** I'd like to thank the member for Scarborough Centre for the question. He's quite correct that buying a vehicle is a very significant purchase for most consumers.

The Ontario Motor Vehicle Industry Council, otherwise known as OMVIC, is responsible for administration of the Motor Vehicle Dealers Act. They're also responsible for initiating some new marketing standards, which took effect on October 1 of this year.

We and OMVIC had certainly heard many complaints from consumers with respect to the quality and nature of advertising available across the province, particularly fine print advertising and some misleading information as well. OMVIC worked very closely with such groups as the CAA, Advertising Standards Canada, the Used Car Dealers Association and the Toronto Automobile Dealers Association to develop some new standards.

These include that the disclosure must be readable and easily detectable in the advertising, which means none of this really fine print which you can't read any more. They cannot contain statements which are considered ambiguous, misleading or deceptive by giving some sort of unclear or conflicting information to consumers, and they must disclose all taxes and licence charges. Lastly, there must be full disclosure of all information on leasing so that the consumer can fairly compare all leasing programs.



**Mr Newman:** As I mentioned earlier in my question, my constituents in Scarborough Centre, and in fact all Ontarians, are facing these types of ads every day in publications across our province. Providing guidelines on how dealers advertise is seen as a very positive step forward. However, enforcing these new guidelines is just as important.

I ask you today, Minister, what steps are the Ontario Motor Vehicle Industry Council and the government taking to ensure that these new rules designed to help the consumers not just in Scarborough but across the entire province are indeed enforced?

**Hon Mr Tsubouchi:** OMVIC is serious about cracking down on illegal activities. Within the first year of their mandate they've laid over 200 charges which have resulted in over 100 convictions for unfair practices on the sale of motor vehicles. This is very good news for consumers in Ontario. These rules are enforced a number of ways. There are sanctions that apply. If someone has seriously breached these standards and rules, there could be a revocation of the dealer's licence. Many car dealers have indicated their support for these guidelines. They see this initiative as a very positive step forward for both the industry and the consumer.

I might just end by quoting Mr Bob Pierce, the CEO of the Toronto Automobile Dealers Association, in the Toronto Sun: "To our knowledge, no other jurisdiction in North America will apply such stringent automobile advertising guidelines," says Pierce. "Dealers unanimously acknowledged that we had to put an end to the meaningless and often misleading messages appearing daily in Ontario."

#### TRANSPORTATION FOR THE DISABLED

**Mr Michael A. Brown (Algoma-Manitoulin):** I have a question for the Minister of Education. For years and years the Manitoulin Board of Education has provided bus transportation to the clients of Hope Farm, which is operated by the Manitoulin Association for Community Living. They provided this service for no charge.

Manitoulin Island is 160 kilometres long and 80 kilometres wide. There is no other public transportation. Manitoulin ratepayers continue to support the school board by paying 70% of what they used to pay towards school expenses. Do you agree with the Sudbury school board's decision to make community living pay \$7,000 to transport their clients on the school buses?

**Hon David Johnson (Minister of Education and Training):** I think local boards, in connection with their communities, need to make those decisions. I can only say that from the point of view of the Ministry of Education, roughly \$560 million is provided to school boards — it's about the same as last year; I think, actually, it might be just a little bit higher than last year — all across Ontario to provide for the transportation needs of their students, and then the responsibility for the school boards is to take that money and determine how to use it most effectively.

**Mr Michael Brown:** That's not what I asked the minister. I asked him if he agreed with the Sudbury school board's decision to charge community living \$7,000 to transport their clients. The Minister of Community and Social Services will not provide that additional funding to community living. Manitoulin taxpayers continue to pay for their education services. Manitoulin taxpayers want those clients of community living to be able to avail themselves of the only public transportation on Manitoulin Island.

Minister, would you cut Ernie Checkeris a cheque for \$7,000 so that community living and those clients can ride the school buses so they can get to Hope Farm?

**Hon David Johnson:** I would say, number one, that in areas like that, where there is only one method of transportation, then the local authorities are doing their job in attempting to use that to the maximum benefit. I would certainly encourage that. If the board of education can combine with other community uses and serve other people in a broader context, that's great. I certainly am pleased to see that.

I will say, in terms of cutting cheques, the kind of cheques that we have cut, some \$560 million, which is up about \$3 million from last year in the original announcement — and then we did actually, as the member may know, and I'd forgotten here just briefly, about three weeks ago cut an extra cheque, more monies that we provided to the school boards across Ontario. It will involve about \$5 million this particular year. It recognizes the fact that there are fewer PA days. We provided the boards with more monies to accommodate those fewer PA days and transport the students.

#### WATER QUALITY

**Mr Bud Wildman (Algoma):** I have a question for the Minister of the Environment, who seems to have disappeared. Someone else was in his seat.

The minister will know that for many years the small town of White River, halfway between Thunder Bay and Sault Ste Marie on Highway 17, has experienced serious water shortages from time to time, both in hot spells in the summer and in the very cold parts of the winter.

The minister has authorized the expenditure of monies for a study of this problem. This is one of a number of studies that have been funded by the provincial government over the years. Could the minister explain what is missing from the previous studies that requires further study before action can be taken to resolve this long-standing lack-of-volume-of-water problem for the residents of White River?

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I have this right at my fingertips. I was happy to meet with the municipal council of White River this past summer, and I listened to their concerns about their water quality problem. After that meeting, my officials met with the clerk and the engineers who were looking into this problem for this particular community. After much talk and consultation

they decided it would be more prudent to look at all the different alternatives to deal with the problem of water quality in this community. I understand that the problem of getting water to this community is that it has to come out of another lake, which is some distance away, and that it would be necessary to build a pipeline from that lake over to this community to get the water supply.

I am listening most sympathetically to this community as they indeed have a significant problem, and my officials will continue to work with them on it.

1450

## PETITIONS

### HOSPITAL RESTRUCTURING

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"Whereas the hospital restructuring commission established by the Mike Harris government is deliberating in secret about the future of hospitals in the Niagara region and is expected to report in the autumn of this year;

"Whereas the St Catharines General Hospital, the Hotel Dieu Hospital and the Shaver Hospital, along with the Niagara rehabilitation centre, have in the past provided excellent medical care for the people of St Catharines;

"Whereas the Niagara-on-the-Lake hospital, the Douglas Memorial Hospital in Fort Erie, the Port Colborne hospital and the West Lincoln Memorial Hospital in Grimsby have been key centres of health care in the Niagara Peninsula;

"We, the undersigned, petition the government of Ontario to maintain existing medical services provided at these hospitals, restore the proposed \$43-million cut from operating funds for the Niagara hospitals; and

"That the Ontario Ministry of Health provide additional funding to expand health care services available in the Niagara region for residents in the Niagara Peninsula."

I affix my signature as I'm in complete agreement with this petition.

### SCHOOL CLOSURES

**Mr Bert Johnson (Perth):** I have a petition from hundreds and hundreds of people in my riding who are concerned about school closures. It reads:

"We, the undersigned taxpayers of rural Ontario, oppose the current Ministry of Education and Training funding formula in relation to rural boards. We believe that special consideration should be given to the fact that our population is spread out over a wide geographical area. A blanket funding formula for such a large and diverse province as Ontario will not work for all citizens equally."

I sign it to make an official record of this.

## PALLIATIVE CARE

**Mr Bruce Crozier (Essex South):** I have a petition to the Legislative Assembly of Ontario.

"Whereas most Ontario residents do not have adequate access to effective palliative care in time of need;

"Whereas meeting the needs of Ontarians of all ages for relief of preventable pain and suffering, as well as the provision of emotional and spiritual support, should be a priority to our health care system;

"We, the undersigned, petition the Legislative Assembly of Ontario to resolve that a task force be appointed to develop a palliative care bill of rights that would ensure the best possible treatment, care, protection and support for Ontario citizens and their families in time of need.

"The task force should include palliative care experts in pain management, community palliative care and ethics in order to determine effective safeguards for the right to life and care of individuals who cannot or who can no longer decide issues of medical care for themselves.

"The appointed task force would provide interim reports to the government and the public and continue in existence to review the implementation of its recommendations."

In support of this petition, I affix my signature.

## MUSKOKA DEVELOPMENT

**Ms Shelley Martel (Sudbury East):** I have a petition regarding the proposed sale of the Muskoka Centre property and subsequent redevelopment to a high-density condominium resort conference complex. It reads as follows:

"We, the undersigned, oppose the sale of this site by the Ontario Realty Corp on behalf of the provincial government on grounds that the request-for-proposal process was unfair. The ORC permitted the winning bidder to purchase the site for a low price and to switch the proposal from a private school and training centre to the highest-density resort complex in Muskoka after executing an agreement of purchase and sale. The result of this is that other bidders lost the competition to a bid that was not even submitted prior to the close of the bidding date. No other competitive bids were requested.

"We are opposed to this development because of the high density on a small acreage and its potential for ecological destruction to both the land and the waters of Muskoka Bay. This bay is an extremely narrow, heavily trafficked, ecologically challenged body of water with no fresh water supply except through a 60-foot channel to Lake Muskoka.

"This development threatens not only the quality of life of the residents and users of the bay but also their safety.

"We want the provincial government to stop the sale now before cabinet approves it; we want them to conduct appropriate environmental studies on the site and on Muskoka Bay to determine appropriate use of the property and, following these, begin the RFP process again.



"We want the municipal government of the town of Gravenhurst to have public consultation with the residents of Muskoka Bay and surrounding area to ensure that this historical site is redeveloped only in a manner that will maintain its traditional role in the community; also in a manner that will protect the lands and waters of Muskoka Bay from further environmental pressure and will maintain the quality of life for its residents and users."

This petition is signed by 736 residents. It has been put together by Mary Lynn Beaven and the Muskoka Bay Association, and I am pleased to present it today.

#### ABORTION

**Mr Bob Wood (London South):** I have a petition signed by 30 people.

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."

#### PROPERTY TAXATION

**Mr Dwight Duncan (Windsor-Walkerville):** I have a petition to the Legislative Assembly of Ontario.

"Whereas Mike Harris has imposed skyrocketing taxes on small business owners in Windsor because of his government's downloading debacle;

"Whereas many small business owners in Windsor who pay commercial property taxes face tax increases of more than 100%;

"Whereas the Harris government tax assessment system is confusing, chaotic and an administrative nightmare for municipalities;

"Whereas the Association of Municipal Clerks and Treasurers called the Harris tax assessment system a 'high-risk strategy' that will create 'serious problems' for taxpayers and municipalities; and

"Whereas Windsor small businesses facing massive tax increases will be forced to pass on these increases to their customers, causing a decrease in business and causing the Ontario economy to suffer;

"We, the undersigned, petition the Legislative Assembly of Ontario to devise a fair and uncomplicated system of tax assessment."

I join the merchants in the Riverside BIA, the Pillette Road BIA, the Ford City BIA and the Wyandotte Street East BIA in signing these petitions.

#### DENTAL CARE

**Mr John O'Toole (Durham East):** It's my privilege to present a petition on behalf of the Honourable Janet Ecker, who as minister is unable to present but asked me to present the petition. There's a very interesting covering letter from one of the petitioners, Elizabeth Pagnello —

**The Deputy Speaker (Mr Bert Johnson):** I'd like you to either read the petition or explain it.

**Mr O'Toole:** To the Legislative Assembly of Ontario:

"Whereas a new schedule of dental services for children and people with disabilities was introduced by the government under the Ontario Works Act and the Ontario Disability Support Program Act; and

"Whereas the new schedule fails to meet the special needs of children and people with disabilities, reduces services, places barriers to accessing care and creates an environment for various different dental programs across Ontario; and

"Whereas the move away from an emphasis on prevention under the new dental schedule brings significant health risks for children and people with disabilities who are often least able to practise good oral health; and

"Whereas the new dental schedule interferes with the patients' rights to consent to treatment by requiring administrators, and not patients or substitute decision-makers, to authorize and deny dental treatment; and

"Whereas there is no method for the patient to appeal a decision by a plan administrator to deny dental treatment; and

"Whereas pre-authorizations, called predeterminations in the new plan, will require that a higher level of confidential patient health information be disclosed to dental plan administrators; and

"Whereas the Ontario government has caused confusion among patients by introducing the plan without prior consultation and has not included any affected patient groups in consultations after releasing the new dental plan;

"We, the undersigned, petition the Legislative Assembly to delay full implementation of the new dental plan until the requirement for predeterminations is removed, patient confidentiality is protected, the plan emphasizes prevention in oral health care, and the government consults directly with affected patients to ensure the new plan will meet the special needs of children and people with disabilities."

I'm pleased to present this petition.

1500

#### HOTEL DIEU HOSPITAL

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"Since the Hotel Dieu Hospital has played and continues to play a vital role in the delivery of health care services in St Catharines and the Niagara region;

"Since Hotel Dieu has modified its role over the years as part of a rationalization of medical services in St Catharines and has assumed the position of a regional health care facility in such areas as kidney dialysis and oncology;

"Since the Niagara region is experiencing underfunding in the health care field and requires more medical services and not fewer services;

**1500**

"Since Niagara residents are required at present to travel outside of the Niagara region to receive many specialized services that could be provided in city hospitals and thereby not require local patients to make difficult and inconvenient trips down our highways to other centres;

"Since the Niagara hospital restructuring committee used a Toronto consulting firm to develop its recommendations and was forced to take into account a cut of over \$40 million in funding for Niagara hospitals when carrying out its study;

"Since the population of the Niagara region is older than that in most areas of the province and more elderly people tend to require more hospital services;

"Therefore we, the undersigned, request that the government of Ontario keep the election commitment of Premier Mike Harris not to close hospitals in our province, and we call upon the Premier to reject any recommendation to close Hotel Dieu Hospital in St Catharines."

I affix my signature as I'm in complete agreement with these sentiments.

#### HOSPITAL RESTRUCTURING

**Mr David Christopherson (Hamilton Centre):** I have a petition to reinvest money back into the Hamilton Health Sciences Corp hospitals in Hamilton.

"Whereas the Harris funding cutbacks are having a devastating impact on hospitals and patient care across Ontario, and have resulted in an anticipated \$38-million deficit at the Hamilton Health Sciences Corp hospitals; and

"Whereas the Hamilton Health Sciences Corp hospitals will receive \$4 million less in revenue from the Ministry of Health and other sources; and

"Whereas the Mike Harris funding cuts are causing a crisis in hospital care in Hamilton-Wentworth, with hospitals facing huge deficits, cuts to patient care and bed closings; and

"Whereas Scott Rowand, president of the Hamilton Health Sciences Corp's hospitals, spoke out recently in the Hamilton Spectator saying, 'For the first time in my career, I don't know how to fix this problem other than an awful lot of closures of programs and services needed by the community'; and

"Whereas Mr Rowand went on to say: 'We need more cash in the system and we need it now. And that is cash to deal with the issues that we are dealing with today. Don't ask us to do anything more because people in the system are at their limit.'

"Therefore we, the undersigned, demand that the Harris government stop underfunding Ontario's hospitals to fund tax cuts for the wealthy and act immediately to restore funding to the Hamilton Health Sciences Corp hospitals so they can continue providing quality health care services to the people of Hamilton-Wentworth."

I continue to support the petitioners in favour of helping Hamilton hospitals.

#### GERMAN HERITAGE

**Mr Wayne Wettlaufer (Kitchener):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the people of German descent have been a part of Ontario's history since the days of pre-Confederation; and

"Whereas the German culture has always been an integral component of the cultural mosaic of Ontario; and

"Whereas we wish to demonstrate official recognition of the positive contribution of German heritage in the province of Ontario;

"We, the undersigned, respectfully petition the government of Ontario to pass the bill entitled the German Pioneers Day Act and we respectfully petition the government of Ontario to designate the day following Thanksgiving Day as the date of the annual German Pioneers Day."

I will be happy to affix my signature.

#### PROSTATE CANCER

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"Whereas prostate cancer is the fourth-leading cause of fatal cancer in Ontario in 1996;

"Whereas prostate cancer is the second-leading cause of fatal cancer for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer; and

"Whereas the early detection blood test known as PSA, which is prostate-specific antigen, is one of the most effective tests at diagnosing early prostate cancer;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Minister of Health to have this test added to the list of services covered by OHIP and that this be done immediately in order for us to save lives and to beat prostate cancer."

I affix my signature as I'm in complete agreement.

#### SCHOOL PRAYER

**Mr John L. Parker (York East):** I have a petition here signed by a number of members of the Grand Orange Lodge of Ontario, number 370. It reads generally as follows:

"To the Legislative Assembly of Ontario:

"Whereas we, the members of the Grand Orange Lodge of Ontario, are firm supporters of the public school education system and the Protestant faith;



"We, the undersigned, hereby petition the government of Ontario to reinstate the Lord's Prayer in the public school system of Ontario."

### DENTAL CARE

**Mr James J. Bradley (St Catharines):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas a new schedule of dental services for children and people with disabilities was introduced by the government under the Ontario Works Act and the Ontario Disability Support Program Act;

"Whereas the new schedule fails to meet the special needs of children and people with disabilities, reduces services, places barriers to accessing care and creates an environment for various different dental programs across Ontario;

"Whereas the move away from an emphasis on prevention under the new dental schedule brings significant health risks for children and people with disabilities who are often least able to practise good oral hygiene;

"Whereas the new dental schedule interferes with the patients' rights to consent to treatment by requiring administrators, and not patients or substitute decision-makers, to authorize and deny dental treatment;

"Whereas there is no method for the patient to appeal a decision by a plan administrator to deny dental treatment; and

"Whereas pre-authorizations, called predeterminations in the new plan, will require that a higher level of confidential patient care information be disclosed to dental plan administrators; and

"Whereas the Ontario government has caused confusion among patients by introducing the plan without adequate consultation and has not included any affected patient groups in consultations after releasing the new dental plan;

"We, the undersigned, petition the Legislative Assembly as follows:

"Delay full implementation of the new dental plan until the requirement for predeterminations is removed, patient confidentiality is protected, the plan emphasizes prevention in oral health care, and the government consults directly with affected patients to ensure the new plan will meet the special needs of children and people with disabilities."

I affix my signature as I'm in complete agreement with the petition.

### ORDERS OF THE DAY

#### TIME ALLOCATION

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** Mr Sterling moves that, pursuant to standing

order 46 and notwithstanding any other standing order or special order of the House relating to Bill 68, An Act to incorporate Legal Aid Ontario and to create the framework for the provision of legal aid services in Ontario, to amend the Legal Aid Act and to make consequential amendments to other Acts, when Bill 68 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and, at such time, the bill shall be ordered referred to the standing committee on administration of justice;

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted;

That the standing committee on administration of justice shall be authorized to meet for one day at its regularly scheduled meeting time for the purposes of public hearing organization;

That the standing committee on administration of justice shall be authorized to meet to consider the bill at any time during its regularly scheduled meeting times as deemed necessary by the committee and for four days during the November recess;

That, pursuant to standing order 74(d), the Chair of the standing committee on administration of justice shall establish the deadline for the tabling of amendments or for filing them with the clerk of the committee;

That the committee be authorized to meet for a further two days on its regularly scheduled sitting days for the purpose of clause-by-clause consideration of the bill; and that the committee be authorized to meet beyond its normal hour of adjournment on the second day until completion of clause-by-clause consideration;

That, at 4:30 pm on the final day of clause-by-clause consideration of the bill, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. Any divisions required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a);

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, or not later than November 30, 1998, whichever is earliest. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House;

That, upon receiving the report of the standing committee on administration of justice, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading;

That two hours shall be allotted to the third reading stage of the bill. At the end of such time, the Speaker shall interrupt the proceedings and shall put every question

necessary to dispose of this stage of the bill without further debate or amendment;

That the vote on third reading of the bill may, at the request of any chief whip of a recognized party in the House, be deferred until the next sessional day during the routine proceeding "Deferred Votes"; and

That, in the case of any division relating to any proceeding on the bill, the division bell shall be limited to five minutes.

1510

I will be sharing my time with the members for Cambridge, Quinte, Scarborough Centre and Kitchener, and will leave the floor to our members.

**Mr Gerry Martiniuk (Cambridge):** We are debating a motion to limit debate on Bill 68, the Legal Aid Services Act. I will be speaking on behalf of the Attorney General and will be sharing my time with the member for Scarborough Centre, the member for Quinte and the member for Kitchener.

In the past 30 years, the demand for legal aid has changed but the legal aid plan itself has not changed to meet this need. The legal aid status quo is no longer working for the people of Ontario. The plan needs to do a better job of meeting the needs of Ontarians who require legal aid services. The purpose of this bill is to reform legal aid to meet the needs of Ontarians now and in the future.

We intend to implement reforms through the creation of a new organization, Legal Aid Ontario. This organization would be independent of government and responsible for finding ways to deliver better legal services to legal aid clients.

The time for change is long past due. Between 1989 and 1994, government spending on legal aid doubled. The previous government negotiated a four-year memorandum of understanding to deal with the funding, but there was no corresponding reform of the plan or developing new ways to provide services.

In 1995, when this government assumed office, we honoured the funding levels guaranteed by the previous government but insisted on financial stability and more accountability to taxpayers. During the past three years, we have worked with the Law Society of Upper Canada to successfully bring legal aid spending under control.

The next logical step to reinvent the plan is to improve service and accountability. This legislation would meet that goal by establishing the mandate, governance, accountability, services and funding mechanism for Legal Aid Ontario. The new organization would operate on three principles: better service, accountability for public funds, and independence.

The main elements of the proposed act are as follows: Legal Aid Ontario would be an independent statutory agency; the new organization would be responsible to find better ways to deliver legal aid services; it would be led by an expert board with more public representation; it would be more open and accountable for the use of public funds; a more modern, efficient administrative structure would be established; there would be more scope for innovation and flexibility in service delivery.

In developing these proposed reforms, we conducted two phases of extensive consultation. The first phase began with the first comprehensive review of the Ontario legal aid plan since it began in 1967. In December 1996, against the backdrop of the need for change, the Attorney General established the Ontario Legal Aid Review. The review was chaired by John McCamus, a legal aid professor and one of Canada's foremost legal aid scholars. He was supported by an independent panel. Members reflecting a diverse range of experience were best qualified to provide advice on the future course of the legal aid plan in Ontario.

The task force was asked to make recommendations for a flexible, efficient and effective service that reflected changes in population, laws, and the legal aid needs of Ontarians; in brief, to recommend changes to legal aid that will result in more and better services for all Ontarians.

The panel received input from a wide cross-section of people and groups. Major legal, community and user groups were involved in public hearings. The panel received more than 200 written submissions from individuals and organizations. Examples are the Ontario Coalition of Senior Citizens' Organizations and the National Action Committee on the Status of Women. Last September, the team submitted its review to the Attorney General. This now forms the blueprint for the creation of a new delivery model for legal aid services.

Following the completion of the Ontario Legal Aid Review, our government consulted widely about its recommendations. We obtained input from the public, community groups, consumers of legal aid, legal aid clinics and the legal community in general. We asked them for their views, and the response was consistent. Everyone agreed that after 30 years without reform it was time to reinvent legal aid and that creating a new organization was the best approach. People wanted a plan that was independent of both government and service providers, and they wanted the plan to be accountable, well managed and financially stable.

The proposed legislation we have before us is the result of that consultation process. We have worked with legal aid, the public, the legal community and those representing users of legal aid to ensure that the proposed reforms are balanced, fair and in the public interest. Bill 68, the Legal Aid Services Act, 1998, if passed, would accomplish these goals.

Let me provide some detail about the proposed new organization, Legal Aid Ontario. The new organization's focus will be service. It would identify and analyze the legal needs unique to Ontarians from one end of the province to another. Legal Aid Ontario would respond to those needs by setting priorities and developing high-quality services that promote access to the justice system.

Bill 68, if passed, would enable the new organization to enhance the existing certificate and clinic systems. Innovation and creativity would be the hallmarks of the new approach. People and groups would be encouraged to come forward with groundbreaking ideas for new ways to deliver those services. Legal Aid Ontario would continue



to expand the pilot projects currently being developed to test alternative and improved forms of service delivery.

However, it is not our intention that the successes of the current legal aid system should be abandoned. Along with the new approaches, the best features of the current system would be preserved. Legal aid clinics would continue to deliver front-line services, as would certificates provided to legal aid clients to hire private lawyers in criminal and family matters. These would continue as the foundation of the delivery of services. The result would be services that are more flexible, effective and accessible for Ontarians.

Stable funding will be the key to this success. The Ontario government has committed to providing Legal Aid Ontario with a guaranteed budget for the first three years of the organization's operations. Provincial funding would be set at the same amount as this current fiscal year. This would provide the new organization with the financial stability it will need to focus on delivering high-quality services and implementing change.

As I said previously, one of the key issues raised during the consultation was the need for more accountability in the use of public funds. Legal aid's annual budget is slightly less than one quarter of a billion dollars. Ontarians rightfully want that money to deliver the maximum amount of high-quality services for people who need them the most. Legal Aid Ontario would be expected to manage its financial resources and deliver services effectively. The organization would be more open and accountable for public money spent on legal aid.

1520

Let me share with you how the proposed legislation would help to ensure Legal Aid Ontario would achieve the goal of accountability: There would be more public representation on the board of directors. The organization's annual report would be tabled in this Legislature. The Provincial Auditor would audit the organization every year. Legal Aid Ontario would be required to obtain the Ministry of the Attorney General's approval for annual budgets, three-year funding projections, an annual business plan and multi-year strategic plans. These reforms would ensure that the organization uses its budget to deliver the maximum amount of high-quality services and that the costs are consistent with its budget.

We are proposing a governance model that will enable Legal Aid Ontario to be managed in a more modern and efficient manner. That leadership would come right from the top, from a governance structure that would be led by an expert board of directors. These directors would have the skills and experience necessary to manage the new organization. They would have broad expertise in the law, the justice system, business and financial management, and expertise in the provision of services to legal aid consumers. The board would be chosen from members of the public, legal aid consumers, the business sector, the legal profession, and reflect Ontario's geographic diversity.

I believe that the model, as proposed, will in fact bring us into a new age of legal aid in this province. I now thank the Speaker and would have the next speaker address the House.

**Mr E.J. Douglas Rollins (Quinte):** It's my honour to stand today in support of Bill 68, the Legal Aid Services Act, to serve people in our communities who need legal aid.

I want to take you back, Mr Speaker, a little bit into the history of legal aid. Prior to 1951, there was no legal aid per se in the province of Ontario. It was supplied by lawyers who had clients who needed that basic service. Those lawyers, on their own, made their choice and said, "This is something that we can contribute to our society."

The lawyers did that on their own and it worked reasonably well in some cases and not so well in others. This is one of the reasons that with the voluntary plan from 1951 to 1967 the lawyers got together as a society and said they must have a Law Society Act to make sure that they could supply legal aid to the people who were having trouble meeting the requirements of paying for the law, for them to have lawyers represent them in court and to be there.

The joint committee on legal aid was established in 1963 when by the early 1960s it appeared that the voluntary plan did not meet the growing demand for what was needed in our legal aid community. In July 1963, the government appointed the joint committee on legal aid to make sure that they could address the concerns and answer the concerns of the then Attorney General. Three members were appointed by the law society to hold public hearings across the province and to make sure that they could conduct a forum that was fair for everybody across the province. In 1965, the report of the joint committee put together the views and what the charges were and established a system where there would be some monies put aside for those people who were serving as lawyers to those clients, so they would receive some remuneration for their efforts.

Therefore, it started in 1963 and the Legal Aid Act of 1966, proclaimed into law March 29, 1967, followed the bulk of the recommendations of the hearings that went on for some two and a half years to establish the Ontario legal aid plan. The plan was based entirely on the *judicare* model and administered by the Law Society of Upper Canada.

It went on for some time from 1966, and in 1973 the government appointed a provincial task force on legal aid to assess the performance of the plan. The plan was running a little bit amok and out of direction. They thought there should be a little bit broader coverage, in particular to advise on summary assistance and in poverty law matters such as many landlord-and-tenant disputes, workers' compensation and welfare entitlement cases. There were significant geographic gaps in coverage in our province, some areas receiving good coverage and some areas receiving no coverage.

The funding went on from 1973 until 1995. In 1995, the third party brought into being that the fund was way out of whack, that there was a lid on it, that the criteria they were putting out for all the information for legal aid, the certificates that were being picked up, all of a sudden were growing at a very dramatic rate. They signed an

agreement with the law society to make sure that the society tried to keep those costs in check, making sure that legal aid stayed within the framework they had intended.

In 1995, as this government assumed office, we realized that the cap of some \$275 million, with a memorandum of agreement that would expire in 1998, was going to run way over. When that amount of money was going to be passed, as a government we were trying to keep control on our costs and to make sure that every department worked within the budgets we had. We had to go to the law society and ask them to implement some changes and get a handle on keeping the cost of the operation down. The cost of legal aid had swelled over the amount that was there and looked as if it would quite possibly double. If those kind of numbers were going to double, it would have been very hard for a government to try to meet its budget with one sector of it over as far as it was.

At that time, in 1995, on December 13, the law society decided to take that course and see whether it could put some control on maintaining the cost of legal aid at somewhere around \$275 million a year. The law society, in its restructuring, tightened up on the certificates they were giving out to the lawyers who were looking after legal aid. They also brought that back to the point where now, in 1998, they were going to make do with that amount of money. In fact, they were going to come in under budget.

There was a need out there for some people to still have some legal aid and there was an understanding that the law society didn't feel as if it wanted to continue to operate the legal aid system entirely on its own. So there was a structure of administration put together, through a group of people who worked together who decided there was some way that we could remove from the law society the requirement of having to run the legal aid system.

They came up with the idea that there would be some 11 people on a board, some of them appointed by the Attorney General and the rest appointed by the public. They would form the basis of a group of people that would look after legal aid, guaranteeing it to the people of Ontario who need legal aid and still working within that framework. We, as a government, guaranteed that the legal aid system would be funded for the next three years with the same dollars that we have put into it in the past.

That's a little bit of the background on legal aid, and I'm very pleased to stand in support of it today. I turn my time over to other members.

**Mr Dan Newman (Scarborough Centre):** I'm pleased to rise today to participate in the debate on the motion dealing with Bill 68, the Legal Aid Services Act, 1998.

The legal aid system in Ontario is indeed long overdue for change. The status quo was not working for Ontarians who needed access to legal services. Although the plan has been restored to financial stability, it is not able to provide adequate services to meet the needs of Ontarians who require legal aid through the current system. At the same time, the Law Society of Upper Canada has expressed its view that it did not wish to continue to

manage the plan at this time. The law society has proposed that it no longer continue funding legal aid once administration is transferred.

The law society has pointed out that no other professional group in Ontario is required to contribute directly to the cost of a government-run social program. Moreover, Ontario is the only province which currently requires lawyers to pay a levy to fund legal aid as well as a statutory clawback on lawyers' billings. We must remember that the Law Society Act requires the Law Foundation of Ontario to contribute 75% of all revenues earned from a lawyer's trust account to the Ontario legal aid plan. The law foundation will continue to contribute these funds.

#### 1530

The proposed changes build upon the first comprehensive review of the Legal Aid Act in the history of Ontario. Law professor John McCamus chaired the review. McCamus is one of Canada's foremost legal scholars and formed the blueprint for the creation of a new model to deliver legal aid services in Ontario. Recognizing that the demand for legal aid had changed greatly during the past three decades and that between 1989 and 1994 spending on legal aid had actually doubled, the government launched the review to ensure that the \$230 million spent annually on legal aid provided the maximum amount of high-quality legal services to those Ontarians who need them the most.

During the legal aid review, major legal, community and user groups were involved in public meetings. The review received more than 200 written submissions.

Following the release of the Ontario Legal Aid Review in September 1997, our government consulted widely to get the public's feedback. We consulted extensively with all sectors of society, from consumer groups working with lower-income Ontarians like the Elizabeth Fry Society, the John Howard Society, St Leonard's Society of Canada, and the Ontario Association of Interval and Transition Houses to representatives of consumer groups who work with disadvantaged communities. This government met with representatives from the Advocacy Resource Centre for the Handicapped and from Aboriginal Legal Services, as well as the National Council of Welfare and the Canadian Mental Health Association.

Yet the government did not stop there. This government also met with the legal profession. The government met with the Law Society of Upper Canada, the Canadian Bar Association, the Family Lawyers' Association and the refugee lawyers' association.

This government met and talked with the concerned interest groups because they are the ones who use legal aid and the system of legal aid. They are the ones who are most affected by any changes that are implemented.

The responses we received were both consistent and relevant. The people of Ontario said over and over again that they wanted a legal aid plan that was independent of both government and service providers. They want a legal aid plan that is accountable and well managed, and they want a legal plan that is fiscally responsible. Yet we must



at all times ensure that the result of any changes must be improved services for Ontarians.

In preparing for the debate today, I consulted with a number of lawyers myself. I talked to one lawyer from Hamilton who has practised for 30 years. Ted Adler said, "Any changes to the legal aid system in Ontario must ensure that the people who need legal aid in Ontario and qualify for legal aid receive it."

This government has worked with legal aid, the public, the legal community and those representing users of legal aid to ensure the proposed reforms were balanced, fair and in the public interest. I believe Bill 68, the Legal Aid Services Act, 1998, if passed, accomplishes these goals.

In order to ensure that the proposed agency has the financial stability to accomplish the proposed changes, the government has committed to three years of stable funding at the 1998-99 level.

The new agency called Legal Aid Ontario will provide high-quality services, it will develop flexible and innovative ways to deliver services, and it will run pilot projects to test their new approaches.

The act establishes the mandate, governance structure, accountability and services for the new organization called Legal Aid Ontario. Legal Aid Ontario would begin operation on April 1, 1999. Until then, legal aid services will continue to be provided by the Ontario legal aid plan, which is operated by the Law Society of Upper Canada under the terms of a memorandum of understanding with the government of Ontario. A plan would be put in place to ensure the smooth transition to the new organization.

Legal Aid Ontario would also be independent of government and be responsible for finding ways to better deliver legal aid services.

The main elements of the proposed act are to create an independent statutory agency to better provide more services to Ontarians. The act will create an expert board with more public representation. The act will ensure the new agency is publicly accountable.

Legal Aid Ontario would be open and accountable to taxpayers through the following measures: representation of the public on the board of directors; an annual report to be tabled right here in the Legislature; and an annual audit to be performed by the Provincial Auditor.

Legal Aid Ontario would also enter into a memorandum of understanding with the Attorney General every five years. Under this memorandum of understanding, it would agree to provide the Attorney General with detailed information on its operation and plans, including its annual business plans and its policies and priorities for providing legal aid services. This act will provide the statutory mandate, board composition, organizational structure and funding mechanism for Legal Aid Ontario.

Part II of the bill will create Legal Aid Ontario. The legislation will ensure that the new Legal Aid Ontario remains independent from both the government and the legal profession. Independence is necessary in order to ensure that the organization represents the public and is not in a conflict with government. Our approach is consistent with legal aid plans in most provinces. Among the 10 provinces, only the legal aid plans of Ontario,

Alberta and New Brunswick are presently administered by provincial law societies. Six other provinces administer legal aid through an independent statutory organization.

The board of Legal Aid Ontario will be composed of 11 people appointed by the Lieutenant Governor in Council. Five will be selected by the Attorney General from a list of persons recommended by the Law Society of Upper Canada and five will be recommended by the Attorney General. The legislation states that the majority of the directors would not be lawyers and no more than three could be benchers of the law society.

The chair of the board of Legal Aid Ontario will be selected by the Attorney General from a list recommended by a committee comprised of the Attorney General, the treasurer of the law society and a mutually agreed upon third party. The board members will be appointed to fixed terms of two or three years and could not be dismissed before the end of their terms without cause.

In drafting this bill, my colleague always remembered one key question: Is what we are doing going to improve legal aid services in Ontario? Since its inception, legal aid has and will continue to issue certificates to private lawyers in criminal and family matters, and this will remain the foundation of service provision. Clinics will continue to deliver front-line services in areas of law which particularly affect lower-income individuals. This bill would provide us with ways to supplement and enhance the existing certificate and clinic programs. At the same time, Bill 68 will ensure that we have a legal aid system that will serve us for the next 30 years.

Legal Aid Ontario will be responsible for high-quality services to meet the needs of Ontarians who require legal aid. It would be obligated to encourage new ways to better deliver services and to ensure that services are cost-effective and efficient. The agency will always be required to establish priorities and policies guiding the provision of services.

The proposed bill provides a statutory basis for the major areas of service delivery. It focuses on the key areas of legal aid law, including criminal, family, clinic and mental health law. But the legislation leaves specific priority setting to the corporation. Legal Aid Ontario could also provide legal aid services in other areas of civil law.

The bill provides Legal Aid Ontario with the flexibility to use a variety of service delivery methods, including but not limited to certificates — these are the vouchers provided to legal aid clients to hire lawyers — community clinics, staff offices, student legal aid societies, aboriginal legal services corporations, duty counsel, and alternative dispute resolution.

We fully expect that Legal Aid Ontario will continue to expand the pilot projects currently being developed by the Law Society of Upper Canada.

In order to ensure the stability and continuation of high-quality services, the bill provides that certificates will remain the foundation of the delivery of criminal and family law services.

Some have raised concerns about how these changes will affect immigration and refugee services. The plan will

be issuing the same number of immigration and refugee certificates as last year. The bill would guarantee that Legal Aid Ontario would maintain service for immigration and refugees at current levels for two years. Let us remember that although the Immigration and Refugee Board is the responsibility of the federal government, it is Ontario that pays for the majority of legal aid costs for those appearing before it.

The federal government has cut funding to Ontario over the past several years. Federal funding for immigration and refugee cases has declined from \$14.4 million in 1991-92 to an estimated \$3.8 million in 1997-98. I would hope that the federal government would increase funding for immigration and refugee law services, but then again I'd be holding my breath for more funding from the federal Liberals because it's the Liberal government in Ottawa that has cut over \$2 billion in health care funding to Ontario.

1540

**Mr James J. Bradley (St Catharines):** You've given it all away in the tax cut. They gave you money to give away in the tax cut.

**Mr Newman:** I hear all the members in the Liberal Party here today agree that the federal government has cut over \$2 billion in health care to Ontario. If the feds do not care about the health of Canadians, how can they possibly care about ensuring that newcomers to Canada are properly represented?

The Legal Aid Services Act, 1998, provides a new organization, Legal Aid Ontario, to deliver better legal aid services to Ontarians. The organization will develop new and innovative ways to better provide legal aid services.

In the Common Sense Revolution we promised the people of Ontario that we would reform the legal aid system, and once again we have kept that promise. Another promise made, another promise kept.

**Mr Wayne Wettlaufer (Kitchener):** I am very pleased to have this opportunity today to point out the significant improvements that the Legal Aid Services Act is going to make to the legal aid system.

When the legal aid system was introduced 33 years ago, it was a recognition by the government of the day that there was a significant need to provide substantial financial assistance to low-income Ontarians for legal services. That was to ensure that all citizens of Ontario, regardless of their status in life, would be entitled to proper legal defence in some cases or proper legal advice in others. I would like to point out that it was the Progressive Conservative Party of Ontario, which formed the government of the day, which established this new legal aid component of our social safety net. That social safety net, the legal aid system, was for low-income Ontarians.

It is only fitting, then, that it is this party which is working diligently to make significant improvements to the legal aid system. As has been a hallmark of this government, prior to making any changes to the existing system, this government sought out the advice of everyone involved. Everyone affected by any changes was asked to

make submissions. In all, during the legal aid review, more than 200 written submissions were considered. The submissions were from a wide spectrum of Ontarians, including groups working with low-income Ontarians such as Elizabeth Fry, the John Howard Society, the St Leonard's Society of Canada and the Ontario Association of Interval and Transition Houses. Groups working with the disadvantaged communities, such as the Advocacy Resource Centre for the Handicapped, the Advocacy Centre for the Elderly, Aboriginal Legal services of Toronto, the National Council of Welfare and the Canadian Mental Health Association, made written submissions.

Of course, let's not forget the lawyers' groups. Lawyers' groups were also invited to express their suggestions to improve the system. Submissions were received from such prominent groups as the law society, the Canadian Bar Association, the Criminal Lawyers' Association and the refugee lawyers' association. A consistent view expressed by all these groups was that the legal aid program must be made independent both from the government and the legal profession.

The Legal Aid Services Act, 1998, establishes this independence through the founding of a new organization, Legal Aid Ontario, which is an independent advisory body, a statutory agency which boasts an expert board of 11 directors. The establishment of this new, independent board ensures that Legal Aid Ontario is no longer in a situation where there will be a conflict of interest between lawyers and/or the government involved in the legal action which may be taking place.

Under this new act, Legal Aid Ontario is an independent statutory corporation established to oversee the delivery of all legal aid services. This is another example of a series of ongoing examples of where this government listened to various stakeholders and acted on their excellent advice.

A second significant improvement needed to the existing legal aid system is the assurance that there will be adequate stable funding of the program to ensure that legal services would be available to those who qualify financially. The Legal Aid Services Act, 1998, ensures stable funding.

I am very pleased to see this government's commitment to provide stable funding. This government is committed to providing three years of stable funding for the new agency at the 1998-99 level of \$230 million. However, in providing stable funding, this government is also committed to ensuring that taxpayers' money is being well spent, and it has established a very businesslike approach as to how the new agency will be accountable to the taxpayers of Ontario.

To ensure accountability, the new agency, Legal Aid Ontario, will submit its annual budget to the Attorney General for approval; it will submit an annual report to the Attorney General, which the Attorney General will table before the assembly —

**Mr John Gerretsen (Kingston and The Islands):** It's always been that way. What's the difference?



**Mr Wettlaufer:** — and, I say to the member for Kingston and The Islands, who's heckling me here, something that's very different: An annual audit of the agency will be performed by the Provincial Auditor.

Ontario taxpayers are adamant that they want the legal aid system as a component of the social safety net. However, they are equally adamant that their monies being spent on legal aid are used as efficiently and effectively as possible and that every person, agency and organization receiving public taxpayers' funds be accountable for the funds they receive.

**Mr Gerretsen:** Absolutely.

**Mr Wettlaufer:** I'm surprised that the member for Kingston and The Islands is agreeing with me.

I think it is worth noting that at a time when this government is working hard to improve the legal aid system in the province by providing increased funding, providing stabilized funding and ensuring accountability for taxpayers' dollars being spent in the legal aid area, that part of the social safety net, there is a contrast in the efforts of the federal Liberal government, which is again attacking the social safety net that Ontarians have been working so hard to maintain and improve. It's the federal Liberals who are attempting to rip the heart out of the social safety net that Ontarians are building. It is the federal Liberal government which ripped over \$2.1 billion —

**Mr Gerretsen:** — their taxes spent. You've got to be a little bit consistent there.

**Mr Wettlaufer:** — out of our health care and education funding, and that member from Kingston and The Islands won't even listen.

It is the federal Liberals who have ripped over \$15 billion from Canadians in employment insurance tax overpayment, much of it from Ontarians. Let me repeat: It is the federal Liberal government which has ripped over \$15 billion in employment insurance taxes from Canadians, with the largest share coming off the sweat of the brow of hard-working Ontarian taxpayers. It is the federal Liberals who are robbing Ontarians of billions more of their hard-earned dollars in the form of increased CPP payments.

You might find it interesting to learn that for every six cents that this government, the Ontario government, was giving back to Ontarians in the form of income tax deductions, the federal Liberals stole seven cents in CPP increases. While this government was striving to give Ontarians back some of their hard-earned money, the federal Liberals were in essence stealing it right out of their pockets.

Where were our provincial Liberals during these legalized tax thefts by their federal cousins?

**Mr Derwyn Shea (High Park-Swansea):** Helping the House of Commons pepper spray.

**Mr Wettlaufer:** No, they weren't even helping. They just sat there, mummified. As we increased funding for health care and the federal Liberals cut back funding for health care —

*Interjection.*

**The Deputy Speaker (Mr Bert Johnson):** — the member for High Park-Swansea, come to order.

**Mr Wettlaufer:** What did the provincial Liberals do? They pretended not to notice. They pretended not to notice that the federal cutbacks in health care were affecting the people of Ontario. And they attack this government.

What did the provincial Liberals do when their federal cousins pickpocketed Ontario's portion of the \$15 billion in employment insurance premiums? They sat stupefied; they sat blinded.

**1550**

What are the provincial Liberals doing to protect Ontarians from exorbitant increases in CPP payments? Again, they're doing nothing; they're sitting on their hands.

What are the provincial Liberals doing about the fact that it is their federal cousins who have cut federal spending for immigration and refugee cases, from \$14.4 million in 1991-92 to a mere \$3.8 million?

Let me tell you what the provincial Liberals are doing about these ongoing and outrageous attacks by their federal Liberal cousins. Again, they're sitting on their hands. That points out the difference between the approaches we're taking, this government, versus the tax-grab, run-and-hide approach that the provincial Liberals would.

Between 1985 and 1995, Ontarians faced 65 tax increases, 32 by the NDP and 33 by the Liberals. Our government has decreased 66 taxes. It will not be hard for Ontarians to see which provincial party has their interests at heart.

It will not be hard for Ontarians to see that it is this government, the Mike Harris government, which reduced taxes and increased their take-home pay; which established a clearly defined economic policy, which has resulted in the creation of 408,000 net new jobs in Ontario, which has resulted in billions of dollars of new investment in the province and has created a thriving business atmosphere; which rewards entrepreneurship and small business for their efforts in helping make Ontario a better place to live.

The Legal Aid Services Act, 1998, part of the social safety net which Ontarians espouse, will significantly improve the current legal aid system, and, as a result, tens of thousands of Ontarians will receive assistance where they need it. I look forward to supporting the act.

**Mr Bradley:** Thank you very much for the opportunity, although it's unfortunate I have to speak on yet another motion which closes off debate in the Legislative Assembly. It has become very easy for this government now. Of course, the news media doesn't cover it any more. It's not an interesting thing to the editors, to the top people who make the decision. Time after time now this government invokes what is called a time allocation motion, a motion which chokes off and ends debate on a particular piece of legislation. This is happening to virtually every piece of legislation now.

I find it interesting these days listening to the briefing notes of Guy Giorno — the whiz kid in the Premier's office who makes far more money than even the Minister of Natural Resources, who's in the House with us today, or other ministers or even the Premier; he probably makes

more money than the Premier — these notes that he prepares for the government members.

I thought, on this basis, I would recommend they all run in the next federal election, because all they do is talk about the federal government and federal issues. One can understand that they do not want to defend the positions and policies of their own government. I can fully understand that.

Today I heard the leader of the third party say the member for Scarborough Centre was disappointed in the amount of money that was going to Scarborough for health care. I want to at least give him credit for having the courage to denounce his own government. I want to give him that credit, and I want him to know that. He'll use this in his brochure, no doubt, but you've got to use the whole thing if you're using it in your brochure.

What we have here is another example of this government trampling on democracy in Ontario. They started, as you will recall, Mr Speaker, some time ago with Bill 26. When they first got into power, they developed, with the help of some senior people in the civil service, but more importantly with the unelected advisers, the whiz kids — the 20-something and early-30-something individuals who lurk in the Premier's office have far more power than any individual member of the Conservative caucus, or indeed probably most of the cabinet. Privately I know the members would be prepared to concede that that is the case, that these people have more power.

They developed a massive bill, Bill 26 — it's part of this whole idea of these time allocation motions and how often they are used — a bill which gave, for instance, unprecedented power to a commission to close hospitals in this province. That's the so-called Ontario Health Services Restructuring Commission, I believe is the name of the commission. I call it the hospital closing commission.

Like Darth Vader, they are appearing in St Catharines tomorrow, complete with some of the well-known Tory appointees who are sitting on that particular commission, making pronouncements on the future of health care in the Niagara region. I would just as soon they stay out of the Niagara region and that instead the government provide appropriate funding for our hospitals to enable them to carry on the outstanding work they've been doing for so many years in the Niagara region. Bill 26, part of this package of the trampling of democracy, apparently gives this commission unfettered and unquestioned powers to close hospitals, to force hospitals to merge, and to take away services from certain hospitals.

I hope the reaction tomorrow — and I know if it came to your area, Mr Speaker, you would feel the same way — isn't this: that the so-called winners, the people who are untouched, say, "It's the only thing the government could have done; we understand," and the heck with everybody else who is not categorized as a winner. I hope that's not one reaction.

I hope as well there aren't people in the Niagara region saying: "Gee, we thought it was going to be far worse. We thought they were going to close five hospitals, and they only closed three," or they took away the services or they

forced this one to merge. It's as though you say: "Thank you, Mike Harris, for amputating my leg at the knee. Thank goodness you didn't amputate it at the hip." What I'm saying is, the leg doesn't have to be amputated at all. The only thing that has to be amputated is the Mike Harris government from the people of this province for bringing upon the people of the Niagara Peninsula and other areas the hospital closings. We have seen 40. I thought it was only 35, but I was reading some information provided by the legislative library for the committee which deals with appointments. These are Tory appointments that we get on a weekly basis, friends of members of the Conservative government who come before a committee and get rubber-stamped by the members of the committee.

**Mr Shea:** Like Floyd Laughren.

**Mr Bradley:** Well, with the odd exception. They always have the odd exception in there so they can say, "Well, what about Floyd Laughren?" or "What about Dave Cooke?" They always have those exceptions.

**Hon Al Leach (Minister of Municipal Affairs and Housing):** You notice there are no Liberals.

**Mr Bradley:** I noticed that. I want to thank the Minister of Municipal Affairs for saying, "You notice there are no Liberals." Now, of course, the new game is that the Conservatives and the NDP are supposed to play footsie. My friend from Cochrane North shudders in his shoes when he hears this happening. Buzz Hargrove has just launched his new book called *Labour of Love*, which is going to be on the bookshelves of the province. I would imagine that the friend of all members of this House, the friend of workers in this province, Buzz Hargrove, or Basil as his real name is, is going to be very concerned when he sees the Tories and the NDP together and somebody pulling up the sheets. They are diametrically opposed but they both recognize that the threat to them would come from the Liberal Party in Ontario rather than the Conservative Party, so they're busy playing footsie. I know some of my NDP friends are very uneasy about that and, I'll tell you, I don't blame them for being uneasy about that.

My friend the whip will tell me how many motions of closure we've now had. I'm sure it's —

**Mr Gerretsen:** Twenty-eight.

**Mr Bradley:** He says 28, at least. I expect there may have been even more attempts by this government to close down debate in this Legislature if we look carefully.

You will remember what they did with Bill 26, which is part of this whole package, and with the new rule changes, because of course the debate this afternoon really revolves around the new rule changes which allow the government to invoke closure whenever it sees fit and to limit debate in a variety of ways. What happens now is that issues such as this and issues such as the closing of hospitals cannot get the kind of debate they should. We have Darth Vader, as I say, coming in to the Niagara Peninsula before Halloween. We have the Halloween gremlins coming in the form of the restructuring commission or the hospital closing commission to make pronouncements in the Niagara Peninsula.



1600

I hope they've gotten the political message. The minister says in the House, "Well, it has nothing to do with me." I asked her a question last Wednesday about this in the House. I never did see coverage of that in the *St Catharines Standard*, but I'm sure there are other things that probably bumped it out.

Anyway, the question was asked in the House last Wednesday and the minister, like Pontius Pilate, got out the bowl of water, washed her hands and said: "It has nothing to do with me. It's the big, bad commission." Yet I hear the member for Niagara South, the parliamentary assistant to the Minister of Health, saying he's going to the Minister of Health to plead the case of various hospitals. You can't have it both ways. Either it's totally independent or it's subject to pressures, the government is subject to pressures.

I think that with the election closer we are more likely to see a more moderate pronouncement by the hospital restructuring commission, but again, I don't want to hear people out in the Niagara region saying: "It could have been worse. They could have closed all of our hospitals." They don't have to close any of them.

If you'll recall, Mr Speaker, and I know you've heard me say this before, Dr David Foot, who is the author of *Boom, Bust and Echo*, a best-selling book in Ontario and indeed across Canada, a book which deals largely with the demographic profile of our country and our various communities, was asked by a student at Brock University, "If there's only one piece of advice you could give to Mike Harris, taking into consideration the demographic outline of the Niagara Peninsula," that is, that we have the oldest per capita population in all of Canada, "if you took that into consideration, what would your advice to Mike Harris be?" He said, "Don't close hospitals." I expect then we won't see hospitals closed.

There's a second reason. I remember, as you will, Mr Speaker, in May 1995 watching the leaders' debate. Robert Fisher of Global TV asked the Premier about whether his plan for health care in the province would involve the closing of hospitals. His answer was, "Certainly I can guarantee you, Robert, it is not my plan to close hospitals." Now, 40 hospitals, private and public, have been closed or merged in this province, according to the information provided to the government agencies committee, the committee that deals with the friends of the Tories who are being appointed to various positions in the province. That is provided by our legislative library. That's 40, despite the Premier's promise that he had no plans to close hospitals.

I hope there are pangs of conscience and that we don't see hospitals closed in our area. In fact, with the elderly population that we have, we require not only chronic care — yes, everybody understands there has to be chronic care and there has to be good home care, well financed, well placed, very readily available and accessible. That is the case, most assuredly. But we also need acute care, because as members will understand, what they're doing in hospitals now is kicking people out in a quicker and

sicker manner, not because the hospitals want to do it but because they've had the edict from the provincial government: "You can't keep patients as long."

Let's take an example. They may be in one of our local hospitals in the Niagara region and may go to the Linhaven Home for the Aged. Patients used to go after they had been looked after in the acute care hospital, so the level of care was not quite so high; that is, the level of care required in the nursing home, the home for the aged, called Linhaven. Now they're getting patients that require acute care, and pretty intensive care, coming from the hospital as they're shoved out the door at an earlier rate.

What this means, of course, Mr Speaker, as you understand very well, is that people who leave the hospital in a sicker state are people who usually have to return to hospital. So we really don't solve a problem if money is all they're looking at.

People also phone my office constantly and tell me that the level of care available in hospitals today is not what it was 10 years ago. They say if you had been in the hospital 10 years ago or had someone close to you in the hospital 10 years ago, you notice a substantial difference in the way hospitals are operated and the level of care. Is that because the staff want it that way? Most assuredly not. The nurses are working extremely hard to meet the needs of the patients, the members of the medical profession who are doctors are working hard to meet those needs and the non-medical people and people who assist nurses and doctors are working extremely hard, but there are fewer of them.

When you lay off 225 or 250 people from a hospital because of government funding cuts to the hospitals, then of course you're going to get a different level of care. You're not going to be able to keep the hospitals as clean as they were. You're not going to have nurses who are able to respond when somebody sounds an alarm to come down to their room or to do the routine things that used to be done in a hospital setting. All of that so we could a tax cut while we are running a deficit.

When you talk to economists out there, even small-c conservative economists, they just shake their heads at the fact that this government has invoked income tax cuts while it is running a deficit. Most of them will say, "Look, if you're going to cut taxes, if you're going to have a tax cut in effect, wait till you've balanced the budget, and then you don't have to be involved in all these cuts."

In Niagara region, there was a projected \$43 million to be cut from the operating budgets of hospitals. They had a local commission they set up, under former regional councillor Rob Welch, who was on regional council for a number of years. But the cards they were dealt were all deuces, because they had to come up with a program, a plan, a report that took into account the fact that there would be \$43 million withdrawn by Mike Harris from hospital funding in the Niagara region before they made their pronouncement.

Tomorrow the verdict will come down. I hope the verdict is that they've listened to the thousands of people who have signed petitions, who have written letters, who

have called the constituency offices of the local members of provincial Parliament and who have gathered in huge rallies denouncing the possibility of the closing or significant alteration of the services in the hospitals where they have a particular interest. I hope the government listens. I hope the commission has listened. I hope the commission recognizes the unique circumstances facing people in the Niagara region.

It is absolutely appalling to see the level of services available to psychiatric patients in the Niagara region, and we hear they're going to close the psychiatric hospital in Hamilton. I don't know how you're going to solve these problems. They say, "We're going to solve them in the community," and yet the community services have not been put into place to deal with these individuals. So we've got a complete mess as a result of the funding cuts by Mike Harris in hospitals in this province, including the Niagara Peninsula.

I've been trying to get from our local hospitals — I've not been successful so far; I can probably understand why — the figures on the bypasses, that is, the times that ambulances are redirected to other hospitals because the emergency care department at one hospital cannot receive them. With the hospital destruction commission lurking in the background and about to pronounce tomorrow, I would think they're a bit reluctant to provide those figures to an opposition member, because of course everybody is running scared.

If there is one thing this government has been good at, it's bullying people, it's saying to people, the implication is always there, "Don't you dare criticize or your hospital could close or you could see a reduction in your services." I notice that Mike Harris has sharp elbows when it comes to people who are vulnerable but is a pussycat when it comes to dealing with the oil companies, which keep raising taxes in this province.

1610

**Mr Newman:** What about legal aid?

**Mr Bradley:** This is a motion on time allocation, not on legal aid.

I'm going to tell you something, the Speaker in the chair was very tolerant of other members of the House making their speeches. One thing I've always liked about this Speaker is his understanding —

*Interjections.*

**Mr Bradley:** A lot of people don't understand. This Speaker understands that you can bring all these items together and relate them to a motion of this kind. Even though he's a new member of Parliament, he recognized this very early, and I want to compliment the Speaker on that.

What I'll wonder is whether this government will be advertising, whether this government —

*Interjection.*

**Mr Bradley:** What's this? His dress and demeanour are also very good. I want to compliment on him that as well. The Minister of Natural Resources suggests I do so and I will do so. He's got his Preston Manning shirt on over there. Preston tries to look like he's one of the folks

so he wears those denim shirts. All the politicians were wearing them for a while. I don't have one, but the politicians were. The statesmen were not wearing them, but the politicians were.

So there we are, and I'm wondering, as you must be wondering, Mr Speaker — I know you're wondering this — whether this government is going to embark on an advertising campaign — I don't know if I have any examples on my desk; perhaps I don't — about this bill or about the time allocation motion. The other day, as Premier Harris and his entourage entered St Catharines for the so-called jobs and prosperity conference — as partisan an event as I've seen in a while in terms of the timing that we saw that, but I will get back to that. I want to get back to advertising for a moment.

That same day I went to my mailbox, pulled out yet another pamphlet that looked like it was going to cost three quarters of a million dollars for the people of Ontario, and on it it has, "Please reply." I have a suspicion — I tend to be suspicious about these things — that these will be going to the Conservative Party eventually so that they'll have a list of people they can mail to. That's what it's all about. Not only will it cost three quarters of a million dollars at least to put the pamphlet out, but also the money that people send back in, if they're foolish enough to send their name back in, it'll go on the fundraising list of the Conservative Party.

There it is over there. There's another pamphlet now. We've had them on education, we've had them on everything, and these are paid for by the taxpayers of the province, not the Conservative Party, which is rolling in dough, not the Conservative Party which has money overflowing its coffers because it has done things that the rich and privileged and the powerful agree with. They're not paying for it; it's the grateful taxpayers of Ontario.

I'm assured — because I know this will be the case and my friends in the NDP would agree with me, and the Liberals — that the taxpayers' coalition, ever vigilant about the wastage in government, in the squandering of taxpayers' dollars, will surely be issuing a press release one of these days denouncing the squandering of this money on political propaganda.

I remember my friend Frank Sheehan, the member for Lincoln, used to be the president of the local taxpayers' coalition, and we still have many of them around in St Catharines. They write letters to the editor. I know they have just been too busy to write those letters about the squandering of tax dollars on advertising, the full-page ads, the silly ads that they have in there, unnecessary ads, the jingles on the radio with the Premier's voice and other voices, the television ads that we see during sports events and other times, the pamphlets, all of this massive advertising, all with a very political message in it. Not urging people to get their flu shot; I understand that. That's good, that's productive and there's nothing wrong with that. But when you see the government taking our tax dollars, everybody's tax dollars and squandering them — and this is the government that was supposed to be about cutting,



complaining about the previous government and how much it might have spent on advertising.

These are the most partisan ads I've seen. It's an abuse of public office. It's an abuse, I think, of public ethics to be using taxpayers' dollars in this way. I know the National Citizens' Coalition as well will be issuing its press release very soon denouncing this, and all of those groups who are opposed to government squandering money on things it shouldn't be squandered on.

I got off-track on something else I was going to talk about, and the member for Scarborough Centre wanted me to make mention of it. I expect when we see the next bill, because we've got again a time allocation motion, the eighth bill on property taxes — the eighth bill I've got to say, seven of them out the window, out the door because they bungled them. We now have the eighth tax bill coming in, and I think they'll probably apply time allocation to that. In other words, they'll cut off the debate on that.

The whole problem started out because they gave the break to the big-box stores, the huge conglomerates, the large American stores who come in and sit out on the highways and draw everybody out of the downtown and bleed the downtown dead while they sit on the highways and gather people in. They got a tax break. Big stores got a tax break. The banks, the big bank towers in Toronto, were just applauding. If they didn't buy many tables at the Tory fundraiser after getting that break from the Conservative government on their property taxes, I would be very surprised.

I look as well at the oil barons in this province who jack the price of gas up and down as they see fit. The Premier huffed and puffed in this House about it. My friend the Minister of Consumer and Commercial Relations says, "Don't see me; go and see Ottawa," because this government is large as life when it involves taking credit and is nowhere to be found when it involves taking responsibility.

I think they should pass a predatory pricing bill which would prohibit the oil barons, the major oil companies, from preying upon the independents by selling gasoline wholesale at a lower price to their dealers and at a higher price to the independents, and then keeping the price down for a little while to drive the independents out of business. I think we should have seen that kind of legislation in this House long ago, but of course this government has no intention of doing that despite the fact that some of the government members themselves, I think, may have a feeling about this. The member for Quinte introduced a resolution of sorts. Mind you, he was told to make it federal and not provincial, but at least he recognized some of the arguments that were being made. Bill Saunderson, our former Minister of Economic Development, Trade and Tourism, gave an honest answer in the House. He said: "It's not our business. We'd look like fools if we started to fiddle with the price of gasoline." He was honest about it anyway. Bill was honest about it. I give him credit.

People will say, "Well, isn't that a politically naive answer?" Well, maybe, but it was an honest answer to this

House and it truly placed where this government is: not where Mr Huff and Puff is, not where the Premier is huffing and puffing about what he's going to do and then, when he sees the oil barons, he melts away like a pussycat. But he's a lion when he's dealing with some of the smaller municipalities and others who are more vulnerable.

You would want to know, Mr Speaker, in case they come to your area, about the jobs and prosperity conference. The Premier arrives with a couple of cabinet ministers, and they invite some local people. Probably predominantly it would be people who would be in favour of government policies, but there are others there. The Premier protesteth too much. At the beginning, he says about five times that it's non-partisan. Well, I would say that if it had been done three years ago. If three years ago the government had embarked upon this exercise of going to various communities to get input, I'd say sure, good thing.

The cover was blown completely when in came Al Palladini, our pal Al.

**Hon Mr Leach:** Well, you were there.

**Mr Bradley:** Of course I was there. Naturally I was there to spy on you people.

*Interjection.*

**Mr Bradley:** I got my quotes too. I saw one quote — I'm glad the member mentioned that. It appeared in the Welland Tribune and the Niagara Falls Review.

This is what the Premier said. The students in this province will like to hear this. The professionals in this province who went to graduate school and had some special education for that purpose to become a lawyer or a doctor or something like that will be interested in this quote.

1620

This is a quote, according to the Welland Tribune and the Niagara Falls Review, from the Premier:

"McMaster University student council president Faye Z. Quereshy voiced concerns over rising tuition costs and student debt.

"Citing figures Harris later questioned, Faye Z. said over the past 10 years, student bankruptcy has risen 700% and the average student graduates with a debt load of \$25,000.

"Harris said the average student debt load upon graduation last year was \$12,100.

"Harris added in his closing comments that youth should be more optimistic about education."

Here's my favourite quote. I quote the Premier and it quotes him in here:

"'I was a little bit disappointed with the amount of pessimism that seems to be there with the cost of going to college or university,' said Harris.

"As for concerns raised about the deregulation of tuition for professional programs, such as medical school, Harris said, 'I think the debt may put off the BMW for one more year, but I don't think it ought to be a barrier to anybody.'"

I'm going to say that again because perhaps some of the members did not hear it. If they weren't paying full

attention, they may not have heard the Premier's comment. "As for concerns raised about the deregulation of tuition for professional programs, such as medical school, Harris said, 'I think the debt may put off the BMW for one more year, but I don't think it ought to be a barrier to anybody.'"

I found this in the newspaper. I had doctors calling me, lawyers calling me, other professionals calling me, those who had gone to graduate school, saying, "What is the Premier trying to imply?" I had others who said, "It's all well and good to deregulate the costs of these programs as far as the university is concerned, because they're going to get the funds, or as far as the government is concerned, because then the government doesn't have to pay that money."

But what about those students who come from modest backgrounds, who are unable to take advantage of our education system because either they don't have any money at all or they don't want to get into debt or they're unable to obtain the kind of good-paying jobs that students used to have in the summer? Now many of the jobs that are available are the McJobs or the jobettes, which are not paying very much money to those students and are not allowing them to accumulate the kind of funds that would be necessary to get a good education.

I know you wanted to have a report on that meeting. My friend Al Leach was in St Catharines. I welcomed him to the city. He got out of town before they uncanted the tomatoes, because of course we know what has happened in terms of the municipal property taxes in the area. They've had to go sky-high as a result of the Premier's downloading. I don't blame Al Leach. I blame the Premier for his downloading program. Al just reads the sheets. He just reads the message. The Premier's people write the message, and I don't blame Al at all on this one. But he's the messenger, so I won't shoot the messenger, as they say. I'll direct my criticism to the Premier.

They said to the local people: "Here you go, we've got a nice trade for you. I'll trade you this, and we'll trade you that," and they came out \$21 million short for the Niagara region. Mike said, "Better send some cash down there and make it look good." They sent down a pittance, \$3 million. The region is stuck with \$18 million as a result of that exchange of responsibilities, and therefore they had to put up the taxes or cut services.

**Hon Mr Leach:** They still found enough to give a pay raise.

**Mr Bradley:** The member talks about pay raises over there. I was reading in the newspaper about the Hydro pay raises under his watch. Your government is allowing these Americans to come in to do something to the nuclear system in this province and they're getting sky-high salaries plus a great deal after that. I know he won't be criticizing the Niagara region when he hears what is happening at Ontario Hydro.

Anyway, in the Niagara Peninsula, we've had taxes that have had to go up considerably because Mike Harris has downloaded. They'd like to put this on the tax bill, Al, but they can't, because you people passed a law in here

that says they can't put the reason on the tax bill. They had to get another piece of paper and put a letter in there.

**Hon Mr Leach:** No, that's not right.

**Mr Bradley:** That happened in this House. You were here.

**Mr Len Wood (Cochrane North):** That's right.

**Mr Bradley:** Other members were here, that's right.

I am keenly interested in what the member for Downsview has to say, her expertise being on this bill which this time allocation motion is dealing with. I want her to be able to deal with that aspect of it, and there may be other members — who am I sharing with? I'm sharing with the member for Downsview and the member for Scarborough North, both of whom want to add their comments to this particular debate, and I'm sure that they will be scintillating and most interesting and perhaps persuasive of at least the wavering members of the government caucus who will not vote for this motion of closing off debate on yet another piece of legislation.

**Mr Len Wood:** On a point of order, Speaker: I believe that on an important debate of this kind we should have a quorum. Would you check to see if there's a quorum here, please.

**The Deputy Speaker:** Would you check and see if a quorum is present, please.

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Deputy Speaker:** Further debate?

**Ms Annamarie Castrilli (Downsview):** I'm happy to rise on this occasion to decry once again the Conservative government's habit of stopping debate on very critical issues. It's really unfortunate, because this particular piece of legislation is one that we actually support in principle. It sets the framework for moving forward in the area of legal aid. But it's unfortunate because the bill leaves some questions unanswered, and it is through debate in this House that we flush those questions and we come to the appropriate answer. The Attorney General so far has not dealt with the very serious concerns that have been put forward by this side of the House.

While I've said that we support the bill in principle, there is plenty of evidence that the legal aid system has not worked under this government's watch. We are in fact looking at a system that has overcrowding in the courts, where unrepresented litigants simply abound in family court, where we have a decrease in certificates that legal aid issues and where the certificates aren't even available for certain very critical areas where particularly women and children cannot access the justice system.

It's gotten to the point where we have raised this issue time after time in the House and the government finally heard and appointed a couple of commissions, which in turn decried the system that we have and the way it has deteriorated through this government's actions. In fact, two very eminent legal experts looked at the question of



legal aid in this province and they reported that in fact it was ill.

1630

This particular bill wants to try and rectify that situation. For that, it is to be commended. What it tries to do is to create an arm's-length agency which will deal with legal aid. It will not be an agency of the government, nor will it be the law society which administers it. It will be Legal Aid Ontario, presumably run in such a manner that legal aid will be available to the people of Ontario.

There are some good points in it. Eleven members are to be appointed to this board. There is to be a continuation of services in certain areas, there is to be an infrastructure which supports legal aid, but there's much that we don't know, and that's why the time allocation motion is so inept at this point.

We don't know how the members will be appointed. We don't know if it will be the subject of patronage. We don't know whether it will be people who truly reflect the diversity of Ontario. We don't know whether there will be a substantial amount of women who have been disproportionately affected by some of the measures taken by this government when it comes to access to the courts. We have no idea whether the process will be one that will allow individuals to take charge of legal aid in such a way as to make it a fair and equitable system. Nor do we know whether the funding that will be available will be sufficient for what's required. This is a critical issue and one that needs to be addressed by this House. That's why the time allocation motion is so inopportune at this point.

We know very well that with respect to this government we have seen tremendous cuts all across the board, but particularly in justice. The Ministry of the Attorney General itself has had cuts in the nature of a third of its budget, and while some additional monies have been put in in recent times, I'd like to list for you some of the cuts we've seen that do affect those very people who need access to the courts through legal: cuts to the special investigation unit for the second year in a row; they disbanded the police complaints commission in October, 1997, leaving people with absolutely no choices if they feel they've been wronged by the police except to go to the courts, and the courts have been overburdened and overcrowded, as we well know, and unable to deal with those very serious concerns.

We've seen some \$43,000 cut from the Criminal Injuries Compensation Board, which provides compensation and financial assistance to the families of victims of crime. If you think that's a small amount, just bear in mind that since 1995 this government has cut \$1.2 million from that program. So much for their commitment to victims of crime. In addition, they've cut another \$1.5 million in support of legal services and victim support, and a further \$9.8 million since 1995 from the Office of the Public Guardian and Trustee.

What that means is that ordinary people have nowhere to go to seek justice, to seek recourse if they've been wronged except through the courts. It's no wonder that one eminent jurist has stated very clearly that what's

happened in the courts is unbelievable, and I quote, "If there is one thing we all agree on, it is that our court system is being inappropriately used as a dumping ground for social problems." That's true, you see it everywhere, because the other avenues, the civil avenues that were available to people in order to press their case, in order to ensure that their rights were safeguarded, don't exist. They've been considered frills by this government and simply discharged.

We have a very serious situation. When we look at the new legal aid structure that is being put in place, we have to wonder, will it have equitable stable funding? We're not talking about lavish funding, but we are talking about stable funding. We know there are any number of areas that have been cut back. Try and get a certificate for things like landlord and tenant, where typically individuals who are at the lower end of the scale need assistance, particularly in the wake of this government's demolishing rent control. There is nowhere for ordinary folk to go to get the kind of support to press their case.

We're talking about the family law certificates and how they have been curtailed. In fact, one of the very reports the Attorney General commissioned indicated that —

*Interjection.*

**Mr Gerretsen:** Yes, they're all Tory hacks. You know what I'm saying.

**The Acting Speaker (Ms Marilyn Churley):** Order. Member for Kingston and The Islands and the Minister of Municipal Affairs, come to order, please.

**Ms Castrilli:** The reality is quite stark and difficult to face. The fact remains that the government's own reports or reports given to the government commissioned by them indicate that some 67% of litigants in family law are unrepresented because of the failure of the system, the failure of this Attorney General to provide the adequate funding required to provide ordinary people with the kind of assistance they need.

We've become a chequebook society since Mike Harris took over and that's a fact. If you can pay for it, you get it; if you don't have the money, forget it. That's simply not acceptable, not in an area such as justice, which is the fundamental building block of a fair society.

What funding will be given to the system is absolutely critical to understand whether it will work, and we have no idea what that will be. We've been given no indication of what a funding formula would look like. Gee, doesn't that sound familiar? Haven't we seen this in other areas? Haven't we seen it in education, for instance?

We plowed ahead with plans to reform the system without an inkling of how we were going to fund it. It wasn't until much later that we got an idea what the funding formula would look like and it has been devastating for schools throughout Ontario, and we're looking at some 300 closures in this province.

That's why we worry about Legal Aid Ontario, this new agency that will be formed. We agree with the concept. You've created an infrastructure which was long overdue, but it remains a shell until you realize that

you've got to have people who care running the system and you've got to give it enough money to be able to do its job.

It really is quite appalling how the justice system has failed so many people in this province. When we look around at the numbers of individuals who have been affected, when we publicly state our commitment to victims of crime and we have three women who are compelled to announce that they're going to take the government to court because they have not been treated well as victims of the system, one has to wonder.

One has to wonder as well when people who have been accused of the most horrendous crimes go free because the backlogs in the courts are so outrageous and it takes so long to get these cases to court. We're not talking about people who may have had the odd traffic ticket. We're talking about people who are accused of killing under the intoxication of alcohol. We've had that just recently in the case of a young woman by the name of Rodrigues, and before that there were people who were accused of rape and assault, all documented in the media, all documented in court documents, released because we don't have the resources in our court system. While the Attorney General is busy announcing more infrastructure, the reality is that if we don't fund the services we must provide for Ontario, all the infrastructure in the world will not solve the problems we have.

That is the reason why this time allocation motion is so ill advised. I understand that it's part of the government's strategy to shut down the opposition in order not to hear some very unpleasant things about the real Ontario. The real Ontario is not people who drive BMWs and the real Ontario is not people who can afford luxury pension plans. The real Ontario is people in my riding of Downsview who work hard for a living, who have a mortgage to pay, who want to have their schools open for their kids. That's the real Ontario. They also want to make sure that if they need the law, the law is there for them.

We're left with a lot of questions in this legislation, and it's unfortunate that the Attorney General, instead of dealing with the very real issues we've raised in this House, instead of looking at the concerns we've brought that are the concerns of many, many people in Ontario, seeks closure, seeks to shut down the opposition and to shut down the voice of the people. It won't be enough. I tell the members of the government it simply will not be enough.

We support this bill in principle but we will be vigilant to make sure that it is the absolute, best bill it can be. While you may be shutting down debate in this Legislature, be sure that the debate will continue outside as to the kind of justice you provide for ordinary Ontarians, and we on this side of the House will be making sure that you live up to the commitments the people of Ontario expect you to live up to.

1640

**Mr Alvin Curling (Scarborough North):** I have to commend my colleague from Downsview for her excellent presentation in such a short time. It focused precisely on

the problem we face with this government and its attitude towards democracy.

It is extremely ironic that we are speaking about the justice system and the legal process, yet here we are debating closure and time allocation, limiting individuals' democratic process to express their views about legislation that will have a great impact on them. Furthermore, as we know, the bill itself, which addresses most of those who don't have the ability to pay, takes much more time to get justice done, yet the government has put closure and time allocation on this discussion. It's unfortunate, ironic and almost disgraceful, but consistent in a way.

There have been 28 closures, 28 time allocations. It seems to me we spend more time here debating how government will restrict democracy or how they will restrict in any way how people can get justice, denying people justice. Justice delayed is also justice denied, as the saying goes.

I want to focus quickly on two areas. The bill talks about representation on the board, that an 11-member board will be appointed for two- or three-year terms. It also emphasizes geographic diversity. These days the word "diversity" really becomes rather interesting because it's used in rather creative ways. We ask, especially in the justice system, are all people being served? Are all people from every ethnic group being served fairly, and even from a geographic point of view being served fairly?

I notice the arm's-length way in which this government will behave in this process. Of the 11, five will be appointed by the Attorney General. He's going to find five of his Tory cronies around the place to say they will sit on this 11-member board. Also, this government is putting its hand in again, at arm's length, because the law society will produce another five, a list of people, and the Attorney General again will make his selection from that list, at arm's length of course. The chair of that board will also be appointed by the Attorney General, at arm's length.

One is wont to believe that here is a government that would say, "I want to be for the people and by the people," but they will do it for the people and they are the individuals. No wonder they coin themselves as, "We are not government; we are only here to fix government." It tells you exactly what they are. They will do everything they can to undermine the system, put it in the hands of their own friends and then blame it on other people.

Each day they will blame either the federal government or some other individuals for causing this situation today. They will blame teachers, they will blame doctors, they will blame firemen, they will blame welfare workers or welfare recipients. They blame everyone. But the real blame for why the system doesn't work in an effective and democratic way is because of this government and the very undemocratic, bullying way in which it has carried on its mandate for the last three years.

That is what is so ironic about the process of justice. Here is a government that cut back on the money for the SIU for two years in a row. There is no access if you want to have justice done. They disbanded the public com-



plaints commission in October 1997. In fact, the appalling thing about this situation is that, while I am one of the first to talk about the excellent job the police in our society do each day, each minute, putting their life on the line each moment, somehow in regard to those individuals who have sometimes made it bad for the others and would like the public itself to make some sort of complaint, here is a government that has denied access, denied an avenue by which the public can come and make their complaint, making the police force a better place, making the justice system better.

On the one hand, you're talking about having access to justice and, on the other hand, you're restricting it completely from being improved unless they have their hands in it. No wonder, as we reform this system, they have their hands so deep into it there is no reform for betterment, I would say.

My party applauds the fact that the legal aid system should be changed and should be improved, because there are people who are very much denied having their day in court at all, denied even getting a day to go to court, because they haven't got the right cheque book or they haven't got the right bank account.

I've spoken to many lawyers who have done a very good job sometimes defending people at no cost, as a matter of fact at a cost to them, because the individuals have no money. They extend themselves in some ways that they have to take it out of their own pockets.

But I don't see that this will help to the extent that it should. I think this legislation should go out to be discussed and debated properly, to make it accessible to the individuals who are most concerned, so that they themselves can say what's wrong and where they want it. But no, the government of the day, this Conservative Tory government, has used a sledgehammer right through, has decided: "No way. We will shut this debate down and we will ram it through the way we want. We know what's right."

It reminds me of the Mulroney government: "We know what's right. Do you know why the people have given us this strong mandate?" Do you remember that? They said, "They've given us this very strong mandate to govern, and if they don't like us, they can kick us out next time around." What happened in the next election to the largest majority Conservative government ever? Behold, the people spoke out. What did they do? They kicked those arrogant Tories out until they could meet in a telephone booth and they would have space, the cabinet committee along with them. They kicked them all out.

These nice-looking, wonderful-looking Conservatives over there remind me of the Titanic. They are so glib, lots of life, a lot of flash, a lot of arrogance, and unsinkable. They're like the Titanic.

**Mr John R. Baird (Nepean):** Now we're here with you. Aren't you lucky? Now we're here with you, Alvin.

**The Acting Speaker:** Member for Nepean, come to order.

**Mr Curling:** Lo and behold, they will hit the iceberg. The iceberg you will hit is the people out there who are

saying to you, "You are here to govern for us, and you are governed by us."

*Interjection.*

**The Acting Speaker:** Member for Kitchener.

**Mr Curling:** As soon as they have lost that point of direction, they have lost democracy, the will of the people, they shall meet you at that wonderful gate of election day, when they shall turn you and show you where you should go. I hope that while they listen with patience, with such tolerance in this wonderful democracy we have, tolerance of Canadians and Ontarians, they shall wait that turn and then they shall cast this lot out as they cast the Mulroney lot out.

**Mr Gerretsen:** As I'm winding up this debate from our perspective, let me just remind the people of Ontario once again that closure has now been invoked for the 29th time. While doing my research for this debate, I took a look at all the other bills in which closure has been invoked. It's very interesting that three of those bills are dealing with the same subject matter that we're going to deal with again very soon in this House, and that is to get the property tax system for Ontario correct once and for all.

**Mr John O'Toole (Durham East):** Come on, talk about the bill.

**Mr Gerretsen:** Mr O'Toole wants me to talk about the bill, but what I'm talking about is closure. He doesn't understand that what we're discussing here today is not necessarily the merits of the bill; we're talking about a contentious government that is once again stifling debate.

As I said before, on at least three occasions in the past they have done that with the property tax system in this province. The first time they did that was October 2, 1997, more than a year ago, when the opposition and other people out there said to the province, "What you're doing is wrong." You may recall they called that bill the Fair Municipal Finance Act, and it turned out to be totally wrong. The Minister of Municipal Affairs and Housing knows that's correct. They did it again on June 1 this year on Bill 16 and on June 2 on Bill 15. I could go on and on, but the bottom line is that this government keeps attacking the small business operators of this province on a continual basis in order to benefit large business. If somebody on the government side, within cabinet, at least had the decency and honesty to get up and say, "Yes, that's what we're doing; we think the bank towers in downtown Toronto are paying too much in real estate taxes and we think the small business owners and operators throughout this city and province should pay more," then at least I would have some respect for them, because that's what they're doing and they would be honest about it.

1650

They somehow think they've got it right this time. A fellow by the name of Doug Watson, who's president of the Oakville Chamber of Commerce, said, and I think that he probably sums it up extremely well: "What the government's doing here is just not fair. This is going to the well again."

It just doesn't make any sense. We're in the last quarter of 1998 and most business have established their budgets. If you're running a small business, you establish a budget and you set aside so many dollars for rent, taxes, heat, salary costs and everything else. What has happened here is that all of a sudden a great number of businesses in the province, yes, will benefit. Instead of the 600% increases they were expected to pay in some cases — and that, by the way, is from the minister's own press release last Friday. Minister Eves said yes, some businesses under the old scheme would be paying as much as 600% more in property taxes this year than they did last year. Basically he said: "That's not fair. We've got to cut it back."

What should be clearly understood is that if you're rolling it back for some people, other businesses are going to have to pay more. The member for St Catharines-Brock sort of looks at me in amazement. He doesn't believe me. Look at your own legislation. Look at your own press releases. We're just talking about taking the same pot of money and redistributing how much everybody within the business property tax classification should pay into that. So if you're giving some people a break, other people have to pay more. This from a government that likes to pride itself on good, sound business practices, to once again totally foul up the system.

We are now, today, at October 26. Almost 10 months of this year have passed and many property owners in Ontario are now going to get another bill from their municipality. Think what you're doing to the local councils, by the way. They've already sent out one bill telling a business, "You owe us \$3,000 in taxes," and now they're going to send out another bill saying, "I'm sorry, it's really \$5,000 in taxes."

I hope that the legislation, once we see it, at least will not have a clause in it whereby the municipalities will not be allowed to explain what has happened here to their local taxpayers. You may recall that earlier on, in one of the earlier bills, municipalities couldn't even send out a notice to taxpayers as to what really happened. They couldn't send out an explanation. The Minister of Municipal Affairs got quite irate about it. He didn't want any explanations sent at all. I sincerely hope that the municipalities will be allowed to send out an explanation as to what's happened here, because it isn't their fault. I know that over the last week or so there has been a concerted effort by the government side to basically say, "It's not our fault." This is the spin-doctoring. "We'll tell people it's not our fault, it's the municipalities' fault."

I can tell the people of Ontario it is not the fault of the municipalities; it's the fault of this finance minister, it's the fault of this cabinet, it's the fault of this government for getting this property tax mess wrong seven times in a row, and they still haven't got it right.

Why, for goodness' sake, don't they talk to the experts in this matter? Why don't they talk to the local clerks and treasurers? Why don't they talk to the financial managers? Why don't they talk to the CAOs in this province? These are the people who deal with these matters on a day-to-day basis. They'd be able to straighten them out. But you

and I know, Madam Speaker, what this is all about. This is all about taking the property tax load off big business and giving it to small business, taking it off the bank towers in downtown Toronto and letting the small mom-and-pop operations throughout this province pay.

That's not right. Don't time-allocate this. You had it wrong before on three other time allocation motions when we dealt with exactly the same matter and you're doing the same thing with legal aid as you've done with the other bills.

**Mr Tony Silipo (Dovercourt):** I always like listening to my friend from Kingston and The Islands talk about my favourite topic of property taxes, but I want to start my comments today by coming back to this issue before us, which is a time allocation motion on Bill 68.

I say this not at all to be critical of my colleague from Kingston and The Islands, because I think he was talking about some very important things, but to note that when I was listening earlier to the Conservative members speaking to this time allocation motion, you would have thought they were actually here debating the bill. That may just be a parliamentary nuance, but I found it interesting that every one of the members from the Tory caucus that got up actually wanted to speak about Bill 68. That's great. My only question to them is, why did they not simply tell their House leader that they wanted another day of debate on Bill 68 and tell him not to bring, as he has done instead, this closure motion that stifles debate, that ends debate on Bill 68?

Usually I find time allocation motions not particularly helpful. I understand why governments, from time to time, have to use them. I was a member of a government that, from time to time, used time allocation motions, so I'm not going to stand here and try to pretend to tell the Tory members that this is something that should never be used. But I think it's interesting when you look at the speed and the frequency with which the Harris government has used time allocation motions. For people who may be interested, that is basically a motion that's brought in, debated for one afternoon and voted upon and, in effect, ends debate on the particular bill we are talking about, in this case Bill 68, an act to change the legal aid system in Ontario.

With this time allocation motion they will then dictate, by the provisions they put in the motion, what will happen to this bill as it goes from here to committee, as it will be dealt with by the committee on administration of justice for a number of days, including during the November recess, which is actually something new, for people who may not know. The House will not be sitting for an additional week during the month of November so that a couple of committees will be meeting, and coincidentally during that week we will not have the opportunity as we do here daily in the House to put questions to the ministers of the Harris government. But I'm sure that was not the main reason the government decided to have this November recess. It was because they wanted to get a number of bills out to committee, bills which we want to see in committee.



My point is that this is a bill on which there had been some relatively good debate so far here in the House. I think there had been, interestingly enough, an expression of support in principle, not just from obviously the government side but indeed from the opposition parties. Certainly we in the NDP caucus have said that while we have a number of questions, a number of important questions that we want to raise when this bill gets out to committee, we will not stand in the way of this bill going through second reading. We support it in principle because we support the basic premise in this bill, which is that it takes legal aid in Ontario from a system that's now run through the Law Society of Upper Canada and gives it some independence from the bar and from government and provides it with a board, a separate body that will oversee it. That's a direction we support.

There are some questions that we have, some very important questions that we want to raise with respect to what will happen between now and then in terms of the transition board this bill envisages needs to be set up as we get into that new format, and also quite frankly some concerns that we have about — the Attorney General, in this case, is the minister responsible — the degree of control that he today, or he or she tomorrow as the case may be, might have or would have in terms of the appointments to this new body.

Of course, beyond all of that we have some significant concerns with respect to the funding of this very important service. We say that as members of a government that had to deal with the realities of the growing costs of legal aid, as a government that tried to provide some stability in funding, albeit with some limits in that funding, for a three-year period, and out of which then came the study that we certainly supported being done by Professor McCamus that's led to a number of recommendations which are reflected in this legislation in front of us.

1700

We started, at least, this debate and go into this issue with a certain sense of wanting to see things move in this direction. But, as I say, we have some questions that we're prepared to see addressed as we go through the committee process.

Before I talk a little bit more about the actual bill and some of those issues that we will want to see, I want to come back for a moment to the point that this was a bill on which there had been some useful debate to date. In our understanding, the bill could have gone out to committee without the government having to resort to this pretty stringent time allocation motion. There had not been any strong disagreement or strong differences of opinion in the discussions that have taken place in the House leaders' meetings about how to deal with this bill in terms of the process of its going through committee, so I am puzzled as to why we are faced yet again by the Mike Harris government bringing forward a time allocation motion to deal with, in this case, not even a piece of legislation that's been particularly controversial in this House.

It is an important piece of legislation. I appreciate that the government is perhaps indicating that they want to

proceed with this, and that's fine, that's actually good. But to have to resort, as the government has done once again, to shutting off debate when it wasn't even necessary, when there was certainly on our part, and I suspect from the Liberal caucus, no strong desire to see the debate in here on this bill go on for any great length of time — indeed there was a willingness to get this bill out to committee and for there to be the kind of detailed analysis that can only happen in committee, with us inviting people from the legal community, including people from the various legal clinics and that whole body of individuals who have a lot to say about whether this is a good idea, to what extent it can work and what changes would need to be made to the bill as presented to us today for it to be effective.

I know there will be concerns around funding that people will express as the committee has its hearings. I know there will be concerns expressed about the structure of the board and the degree to which there is this degree of control in the hands of the minister, and those are all things that need to be addressed and can only be addressed in committee. But why the government has again decided to resort to a time allocation motion is beyond me, except for the fact that we see this more and more as a trend by this government, not only in terms of legislation that is controversial, and there have been lots of examples of that going through this House in this past year particularly and certainly even back before then in the last year.

Maybe it's a habit that the government has now gotten into that they can't even get out of when you have, as we have here, a piece of legislation, as I say, that is not particularly divisive in terms of the three parties in the House saying, "We're against it," or, "We're in favour of it." We all generally come at it saying that we want to make things better, that we generally support in principle the direction. Although we have some significant questions and points that we want to see raised and addressed in committee, we tend to be supportive at this stage of the intent of the legislation.

Maybe the government has gotten into this habit of thinking that the only way they can get anything done in this House is to bring in a time allocation motion. If that's what is happening, then it troubles me, because it shows a government that has, quite frankly, gotten to a point where they are no longer able to distinguish between issues where they are clearly in the minority and clearly in a position where the only way they can get their position through is by using the rules of the House that they have set and just ramming the legislation through and a piece of legislation where they actually come forward with something fairly decent in it, and we say, "It's not bad, it's needs some more work, but we're prepared to see it go through." I find it particularly troubling that this government is not able to distinguish that; at least, they're not showing that they can distinguish that, because otherwise there would be no reason at all for this time allocation motion to be in front of us.

I look forward to the discussion that will happen in committee on this bill. I know that a number of my col-

leagues will want to speak to this. I'm going to be sharing this time, therefore, with some of my colleagues: the member for Lake Nipigon, the member for Sudbury East, I believe, and perhaps even our House leader, I'm not sure. Other members will speak as we go on, as they decide to.

The only other point I want to add is that the whole issue this bill addresses, which we will have an opportunity in committee to get into in greater detail, is really a crucial one for the system of justice in this province to work. I come at this not particularly as a lawyer, although as a lawyer I know a little bit about it, but as someone who spent some time in public life and understands the significance of having not only a justice system that works for those who can afford to go out and hire a lawyer, but a justice system that works for everyone.

The sole purpose and reason for the existence of the legal aid system in this province has been to ensure that those Ontarians who are not able to afford a lawyer will not be left out of the justice system and will not be left out of having their day in court, their case argued by someone who is trained to do that. A great deal of that is work that is carried out through duty counsel in the case of criminal charges, but a great deal of that work also takes place through the legal clinics we have in this province.

I know, as someone who has spent some time — in fact, when I spent my years in law school, I spent four months of that three-year period at Parkdale Community Legal Services and found that to be, from a learning perspective, probably the best of the three years in terms of really understanding what serving the poor people in this province and in this city was all about and the kinds of concerns and issues they dealt with. There were many times that they were not able to get access to the justice system but for the existence of something like Parkdale Community Legal Services.

I know when I follow the work of that body, when I follow the work of legal clinics like Bloor West Legal Services, which serves the rest of the west end of Toronto, and many others that exist not just across Toronto but throughout the province, they have come under increasing pressure as the Harris government has made decision after decision that has affected most directly the rights of average families, and families of low income particularly, whether it's because of the cuts to social assistance or whether it's because of many other changes that the government of the day has made that have resulted in greater demand upon legal clinics to provide support. They have been in very tight situations.

I know the whole issue of funding, while it isn't directly addressed by the bill, is something we need to address and we need to look at, and I know it's going to be an issue that will be raised as the legislation proceeds.

I just want to say hats off to the incredible work that is still being done through the legal clinics despite the funding problems. In my view, they provide the last remaining guarantee that the services we need to provide to Ontarians will continue, because the justice system is not worthy of the name unless we can ensure that all Ontarians, irrespective of their income, have that equal

access, and that equal access includes the ability to be represented when they choose by legal counsel of their choice. That is something the legal aid certificate system has provided and that is something we want to continue to see provided.

I will continue to follow this debate with great attention and interest as it goes through committee, to see what improvements can be made both to the structure of the board and the concerns around the funding that will no doubt be expressed.

I say that as a member of a party, the New Democratic Party, which continues to believe very strongly that the approach taken by the Mike Harris government is fundamentally flawed, is wrong and is not in the interests of Ontarians, an approach that has as its basis this famous or infamous 30% income tax cut that very clearly takes sides. It doesn't take the side of the average family out there. The only people who really benefit from this tax cut are not the people who need to resort to the legal aid system for their support; the only people who benefit from that are people who are already reasonably well off.

That's why we have said, as a party, that we, the New Democratic Party — and our leader, Howard Hampton, has been very clear and continues to be very clear on this — would take back that portion of the income tax cut that goes to the top 6% of taxpayers, people who make over \$80,000.

#### 1710

Why? Because we believe the \$1.5 billion that would be generated by the move is money we need to have. We need to be honest and want to be honest with the people of Ontario in saying how we're going to get that money. That's money we need to have in our public services: in our health care system and our education system in particular, but in a number of other services. That, we believe, is at the heart of what government should be doing, which is to ensure that those public services continue and not to get ourselves back in time to a point where the only way you could get services was if you could afford to pay for them, and if you couldn't afford to pay for them, you had to simply rely on the generosity of those who could afford it.

That's not the kind of Ontario I think we want. It's certainly not the kind of Ontario I want to see for my son, and I'm sure it's not the kind of Ontario many people in this House and across the province would want to see. Yet that's exactly the kind of society we are heading towards with the fiscal actions that this government of Mike Harris has taken.

We're very clear in saying that we're prepared to take and we want to take the side of ordinary families, of the average working family in this province that isn't seeing any benefit from this tax cut. We want to take the side of the kinds of families and the kinds of individuals that have to rely on legal aid services to get their rights protected, whether it's in the landlord and tenant area, whether it's in the criminal system or in many of the other areas, in fighting the cuts to the social assistance system.

I have to say in concluding my comments today that not only do I as a member of the New Democratic caucus find



it very necessary to say we are prepared to take sides, and it happens not to be the same side Mike Harris has chosen, but I find it particularly interesting and revealing to listen to and read the comments of the leader of the Liberal Party when he says that to him the responsibility of good leadership is not to take sides. I find that a little bit frightening, actually.

**Mr Gerretsen:** He didn't say it that way, Tony.

**Mr Silipo:** I'm reading a quote. My colleague from Kingston and The Islands says he didn't say it quite that way. I'm just reading a quote that's attributed to the Liberal leader in the Kitchener-Waterloo Record of Friday, October 23, 1998.

He also said, interestingly enough, that we need to invest. "To fund health care and education promises, McGuinty said he would use a projected one and a half billion dollars" — that's an interesting amount; you've heard this amount before — "in new government revenues that are expected to accompany estimated growth in the Ontario economy."

All of a sudden now he says he's found \$1.5 billion from the growth in the Ontario economy. A couple of weeks ago I understand he said that the economy wasn't growing, so he couldn't guarantee that money would be there. I hope he's right. I hope the economy continues to grow. We don't think that money is going to be there, but more important, we believe you need to show people where the commitment is and where the money's going to come from. We believe in saying that very clearly. Time will tell who the people of the province choose to believe and choose to give their support to.

The point I wanted to make on this is that we're not afraid of taking sides. We believe we need to be on the side of families in this province who are not seeing any benefits from the Mike Harris tax cut, which is the vast majority of families in this province. I remind you that 60% of families in this province, 60% of taxpayers, make less than \$38,000. That's the vast majority.

We are not afraid — in fact, we're quite proud — to stand on their side and to say we would change the fiscal policies of this government to the extent of taking back a portion of the tax cut. People who are in those low-income — indeed, even people in the middle-income area are not seeing any particular benefits when they trade off the small tax benefit that they see on one side against the reality of tuition fee increases if they are trying to send their kids to college or university, property tax increases that we continue to see across the province, and any slew of other user fees that the actions of the Mike Harris government are causing municipalities and other bodies to have to add on. At the end of the day, for middle-income and low-income Ontarians, there is no benefit from the tax cut; there is only a greater loss of their income and their ability to purchase services and to pay for services and to be able to take care of themselves and their families.

That's why we're not afraid to say that we are on their side. In fact, we want to be on their side, and we want to be clear on where we stand. We think everyone in this House needs to be clear. We particularly find that

important to note today, as we are dealing with a time allocation motion again by this government on a bill that deals with a very important issue, which is the legal aid plan and the future of that legal aid plan, and with it, the future of legal services for some of the poorest citizens in this province.

That's something we want to see on a good footing. In order for it to be on a good footing, it's going to require a continued financial commitment by the public coffers, the taxes, of this province. You can't have one without the other. Both of those pieces are significant, which is why we will be very watchful as this bill goes through committee.

I finish as I started, by saying if the government wanted to get this bill out to committee, we were all eager and willing to do so. I don't understand why this government is continuing now to fall into the pattern of having to bring in time allocation motions when a simple end to the debate is something that could have been easily agreed to.

**Mr Len Wood:** I'm pleased to follow the member for Dovercourt and the comment he opened up with, the fact that the Conservative members — I believe five of them spoke — would like the listening public out there to believe that we're debating a bill here. In fact, all we are debating is that the government feels they have a right to bring in the guillotine, or time allocation, on legal aid for Ontario, Bill 68.

I was in the House last week when our member for Welland-Thorold, Peter Kormos, did the leadoff debate of one hour on this particular bill. He explained very thoroughly the pitfalls he thought were there. All in all, our party feels there's no harm in having a bit of public hearing on Bill 68, and maybe some amendments, and bringing it back in for third reading. But as far as bringing in time allocation, or the guillotine, which we call it, there was no reason for that whatsoever, because there was co-operation on having a fair debate in the Legislature and seeing the bill go out to committee and coming back for third reading, because there are a lot of good things in the bill.

But at a time when we have thousands and thousands of homeless people out on the streets, who are going to be suffering the cold, and some of them are probably going to die, this government is debating time allocation in this Legislature instead of dealing with some of the situations we have out there.

Like I say, there are thousands of men, women and children who are homeless as a result of what this government did to rent controls. It allowed the rents to go out of control, where landlords are evicting the people and there is no place for them to stay.

Hospitals are closing. Some 40 or 50 hospitals are going to close in Ontario so that the government can save enough money to be able to give their tax break to the wealthiest people in the province.

We've made a decision, as the NDP caucus, that during the next election the campaign will be that we ask the people making more than \$80,000 a year to give back to the government the tax break they're getting, because

that's money that can be used — the \$2 billion or \$3 billion that is given back — for health care and education.

I have teachers who phone me — one particular school is in Etobicoke — saying that in the middle of September the school decided they had to get rid of two teachers. As a result, they combined classes and now we see 38 and 39. If more people move into the area, there will be a grade 7 and grade 8 that has 38, 39 or 40 students in the same class. Rather than keeping the teachers who were there, they were transferred out of the system. As a result, I'm sure the junior teachers were being laid off.

1720

How desperate can this government be when it wants to sell Highway 407? That was built during the time of the NDP government. The decision was made that rather than wait for the construction of this highway to take place in 2005 or 2010, the construction phase would be moved up and the toll highway would be up and running. Now we see the minister for privatization has brought through a bill that was debated last week. They want to sell off the highway and try to recoup a billion or a billion and a half dollars so that they can give a further tax break to the wealthiest people in this province at the expense of all of the people in this province.

We heard during question period today that the Minister of Natural Resources — and I'm pleased he's here now — thinks that the lands for strife public hearings that were being held around the province were a good idea. Yet thousands and thousands of people showed up at these public meetings and tried to have them shut down, because they know that the only reason the Minister of Natural Resources and the Premier want Lands for Life is because they fired 2,500 MNR employees in northern Ontario and now they want to put something else in place so that these employees who were looking after this particular land — they call it the Lands for Life; I call it the lands for strife, as do a number of other people.

Northern communities are being devastated as a result of the cutbacks that have happened within MNR, that have happened within MTO, that have happened within some of the other ministries. We have a situation in Cochrane right now where the Ministry of the Environment has laid off or fired all of their employees and they have nobody to do an environmental assessment so that a lumber company can cut trees to keep their sawmill running over this winter and next spring and next fall. The Minister of the Environment says, "We don't have the people." As a result, hundreds of jobs are being put at risk because of the incompetence of Mike Harris and his Reform-Tories in Ontario. It's shameful to see what's going on. How many schools are going to close? Some 500, 600? How many hospitals are going to close?

All of the government employees who have been laid off were volunteers throughout most of the small communities in northern Ontario, and they did a good job, whether it was out raising money for the Heart and Stroke Foundation or out helping with the kids in sports and other events. They did a good job. Now most of them have been

either transferred or laid off or fired. So every community is suffering in northern Ontario.

In my particular region, Kapuskasing being the centre of it, economic development was taking place. There was a 6/70 economic development that was being funded by Shelley Martel, the member for Sudbury East, and after that, Gilles Pouliot, \$100,000 a year for three years. Last year, this government cut it off. So there is no economic development. There is no incentive for economic development, because Mike Harris and his Conservatives feel that they can't get any Conservative seats in the north so they might just as well pull that money out and give it to other people.

As a result, people in the north and communities in the north are suffering. They know that even though they might not have a big property tax increase this year, they know it's coming. There is emergency funding that has been put in place to try to tide the communities over till after the next provincial election or up to the next provincial election, but after that there is nothing. As a result, small business people are going to have doubled property taxes and residential taxes are going to go up, and there are even rumours that some communities, in addition to the tax you pay for garbage collection now, might be starting to charge a dollar a bag and different things of this kind.

The highway going through northern Ontario, if you head up towards North Bay and head out to the Manitoba border, Highway 11, is considered to be a Trans-Canada Highway. As it goes through these communities, there are no connecting links in any of these communities I represent, and yet the Minister of Transportation is saying Highway 11 is a connecting link going from one side of the community to the other. As a result, they're going to pass the cost of the maintenance on to the property taxpayers, and as a result municipalities are going to have to decide where they shut down — do we shut down the arenas, the public libraries, other services? — in order that we can make the provincial government look good because of all the dumping and downloading that is taking place.

It hurts all over the province. It hurts in southern Ontario, but it hurts even more in northern Ontario because you do not have the population to support all the dumping and downloading that is taking place.

These are the issues that we should be debating. We should hear the Conservative members debating these issues rather than getting up and talking about legal aid, which we agree with — forming a Legal Aid Ontario company — but in actuality we're dealing with time allocation.

A lot of the other issues around this province are only going to be resolved after this government is defeated and Howard Hampton becomes the Premier of Ontario. These are the days that I'm looking forward to. Ontario is not going to change until Howard Hampton becomes Premier of Ontario.

**Ms Shelley Martel (Sudbury East):** It's a pleasure for me to participate in the debate that's going on here this



afternoon, which is a debate on the government's notice of motion number 34, not a debate on Bill 68, which is what the Conservative backbenchers engaged in during most of the time they spoke here this afternoon.

I am curious about why we have arrived at a situation where the government feels it is necessary to use its majority to shut down debate on a bill that is so important with respect to access to legal services in this province. The government is here today moving a draconian motion which effectively ends all further debate on Bill 68. Usually when the government moves to use its majority to shut down debate, when the government uses its majority to pass a guillotine motion, the government at least puts up someone, whether it be the government House leader or his designate, to at least try and convince the public that there is a reason for the government to use its majority to do this thing.

I've been in this House on a number of occasions when this government has decided that it has heard enough, usually after not much of a debate, but the government has at least tried to have some excuse, flimsy as it might be, to show the public why they have to use their majority in the way they want to this afternoon.

So it was most interesting that the government put up the minister responsible for women's issues to replace the government House leader this afternoon, and the sum total of her contribution to this important debate this afternoon was to read into the record the very same resolution that is already printed on the business paper today. That was the beginning and the end of the contribution to this debate by the minister for women's issues. That is about the beginning and the end of her contribution to a lot of things in this House, Madam Speaker, as you will well know, because you certainly have been raising issues that are very important to women in the last number of weeks since this House has sat, and the minister responsible for women's issues has consistently been referring those questions to the Minister of Health. I guess, in retrospect, I shouldn't be surprised that the best we could get this afternoon from the minister responsible for women's issues was to have her read what has already been printed in the order of business for today into the record in a formal way.

It says to me that really the government doesn't have any good reason today to be using its majority to slam this motion through this assembly. In point of fact, if you look at the debate which has occurred on Bill 68 to date, it's no wonder the government didn't want to talk about the length of the debate so far and the number of speakers, because there has not been extensive debate on the bill in question. There certainly has been very little, if any, controversy attached to the debate that has gone on in this place around Bill 68. In that respect, it's very different from the majority of pieces of legislation that this Conservative government puts to this House.

1730

As a matter of fact, Bill 68 has been debated in this House for only three days so far. There has been a sum total of about nine hours of debate on second reading: far

less, I point out to you, Madam Speaker, than the number of hours the government usually allows for debate before it decides to use its majority to shut that same debate down. So I guess I shouldn't be surprised that the minister responsible for women's issues had nothing to say about why the government is moving this notice of motion this afternoon. In actual fact, there is no good reason for the government to be using, or abusing, its majority power to shut this debate down.

It reminds me a little bit of a debate that occurred here last week on a government piece of business. Last Monday, late in the afternoon, the minister responsible for privatization introduced a bill to privatize Highway 407. Of course, the minister responsible for privatization feels the need now to try and privatize something because God knows his detractors are very concerned about the very few things that this government has been able to privatize, despite all that was said about privatization in the Common Sense Revolution. If you look at the track record of the minister responsible for privatization, he has managed to privatize Ortech and he has managed to privatized two tree nurseries in northwestern Ontario.

When it came to TVO, when he tried to move on privatizing that fine public asset in our province, people said: "We don't want Polkaroo privatized, Mr Sampson, Mr Harris. We want none of that. We appreciate TVO. We appreciate the educational programming for our kids, we appreciate the educational programming for teachers right across this province, and we want none of that." So he was forced to back off.

The government has done nothing about the LCBO either, even though that was another of the items on the hit parade for privatization.

So we saw last week in this place the spectre of the minister responsible for privatization, a day and a half after the government had introduced a bill to privatize the 407, trying to rush that piece of legislation through as well. During the course of the debate, it was interesting to note how flawed the bill is. There is nothing in the bill which points out what kind of conditions of sale the government is looking at; nothing in the bill to give the public an idea of what they might sell it for, given the significant \$1-billion public investment in that same highway; nothing in the bill setting out all the terms and conditions that would be attached to a request for proposal for a government asset, a public asset, worth \$1 billion. That's worth something to people out there in the province of Ontario, and we sure as heck should not have a fire sale of an asset that's that important. That is why we're opposed to the legislation.

I point out the trend that just in the last week I have seen occurring in this place with respect to some burning desire this government has to ram through pieces of legislation, to get the job done, to stifle debate, to shut down debate, to get it over and done with.

Here we are this afternoon dealing with the 11th government notice of motion to shut debate down, to close debate down, since this government came back in both the spring and the fall sessions: 11 to date. I think it brings to

a total of 29 the closure motions so far that this government has moved since it has been in office. This is the government that promised in the Common Sense Revolution that it was going to consult. The government consults with people whose opinions they want to have as their own, and the government doesn't want to hear from other people. Again this afternoon we are dealing with a similar motion to shut down debate on what is a very important piece of legislation.

The province of Ontario has an obligation to ensure that Ontarians will have access to the legal system in this province, to legal services in this province. We have an obligation to do that, as do other provincial jurisdictions right across this country.

Legal aid is certainly an extremely important part of that obligation because, you will well know, Madam Speaker, there are thousands and thousands of people out there who do not have the money to hire a lawyer to access the court system in this province. For a number of years now, Ontario, as well as every other provincial jurisdiction, has recognized that there are socially disadvantaged groups whose right to a day in court is as important as anyone else's and who deserve to have the financial resources put forward to allow them to do that. That is what is at the heart of the legal aid system, ensuring that this province, this provincial government, guarantees access to those same people who will suffer some disadvantage, who cannot afford to hire a lawyer, so they will still be able to have their day in court over whatever issue it is that they require a day in court.

We are dealing with a piece of legislation that is extremely important to thousands and thousands of people out there who are trying to access our courts for any number of reasons, for thousands and thousands of people who are going to require legal representation to be in the Ontario court system.

What has been interesting about the debate, because I've had a chance to read some of the Hansards, is that there has been very little controversy among the members who have spoken with respect to this same issue. This party is very pleased that the government went forward and asked that a report be done on how to reform the legal aid system because we know that when we were there, we certainly encountered financial difficulties when the federal Liberal government decided that it wasn't really going to fund legal aid any more and when the federal Liberal government contribution to what was supposed to be a 50-50 cost-sharing of the system went down to 7% and, as I understand it from the Attorney General in the debate on this issue, it's now down to about 5%.

We faced a serious financial issue when we were the government in 1993 and when we were the government trying to live up to our obligation as a provincial jurisdiction to ensure that the financial resources were there to make sure legal aid worked. But we are now in a position that we know the federal Liberal government doesn't want to have anything to do with legal aid, doesn't want to have anything to do with assuming its responsi-

bility to ensure that people have access to the courts in our province.

We know that's where the federal Liberals are, but this province has historically had a good program in place that has been administered fairly well with some glitches but that now needs a change. I think most people in this place agree that we should move to an independent body to administer legal aid and that accountability of that independent agency to this government should be very clear in terms of the reporting mechanism and in terms of the number of times, either annually or every second year, when that body has to report to this House about the state of financial affairs.

We agree with all of those things. We have concerns as a party about the composition of the board of the new agency that will head up legal aid matters. We certainly have a concern about the transition team that will be responsible for setting up the new independent agency, and we have a concern because there appears to be absolutely no independent process whatsoever to appoint the five members of the transition team or to appoint the 15 members of the new body, of the new corporation.

The role of the transition members will be extremely important. It falls to them to determine how the agency will be set up, what accountability measures will be in place, what kinds of policies and procedures the corporation will operate under, what the financing structure will look like, how they will be accountable. Their role is going to be tremendously important, and we are very concerned that at present in the legislation it rests solely with the Attorney General to appoint those people. We believe that there absolutely has to be on the transition board and on the new board of the corporation those people who have a background of sympathy, empathy for people who are socially disadvantaged and need legal aid.

1740

All these matters should have continued to be discussed at second reading. In fact, many of these matters were discussed here this afternoon because that's exactly what the government members focused on. It is a shame that the government has moved a time allocation motion. What has happened here today is the government members, who obviously wanted to participate in the debate on second reading, talked about that and had not a word to say about why their government was moving again with yet another closure motion.

There is no reason for us to be moving down this road again. This debate has not been controversial; this debate has not been lengthy. But it is yet another example of the government abusing its majority to shut down debate yet one more time in this Legislature.

**Mr Gilles Pouliot (Lake Nipigon):** I take no pleasure in yet another time partaking in a debate vis-à-vis, faced with a majority muscle, a government that chooses to rule and govern by decree. It's the 11th time that they've invoked closure this year; 29 times overall.

The opposition is being silenced. One more time the opposition is being muzzled, shackled by them. We're talking about legal aid. We're in favour in principle. We



support the government's initiative on legal aid: representation, service to the marginalized, to those who need it the most. Yet they're shoving the bill down our throats when we agree with them.

Imagine if you disagree with the government. Are we to believe that sometime in the future Pinochet's Chile will be the rule? Surely Pinochet did not invoke closure. It's true to say that in the latter part of his career he didn't have to. Mind you, I heard, incidentally, and I want to share this with my friends, that Margaret Thatcher, the former Prime Minister of Great Britain, asked just as recently as last week — because two weeks ago Pinochet and M<sup>me</sup> Thatcher had tea at M<sup>me</sup> Thatcher's place — that Pinochet be released. We're not to be overly concerned, because, you see, he helped them during the Falklands War, by staying out of it.

*Interjection.*

**Mr Pouliot:** Well, 2,000, 3,000 people disappearing is not of grave concern to some people; to Margaret Thatcher, of course not. I know there are supporters of the Thatcher regime who are sitting opposite. Thank heavens that Tony Blair and the good Labour Party chose to ignore that suggestion.

Why would the government stop the opposition from debating something which is important, but not catalytic, not so important that it would jeopardize governance, that the government would either fall or be exposed? But it's force of habit with them. I feel as if I'm being bullied. They take you in the backyard, in the schoolyard, roll up their sleeves, show their tattoos and whack you. I mean, 29 times they invoked closure. You can't even speak in this House. I should come here with handcuffs and ask the blacksmith if I can say something or not, or gagged. This is an affront to democracy, nothing short of that. There are no ifs or buts.

Why? They'll say you'll have plenty of opportunity to debate. Maybe we will, because if it's like the municipal property taxes bill, it comes back a second, third, fourth, fifth, sixth and seventh time, because it's so poorly drafted and it's quite a mess out there, so you have six or seven times to debate it. Maybe this bill will be flawed as well and therefore they will have to have another bill to rescind this one and we'll have a chance to debate again and then they will move closure again. It's a rigmarole.

I don't know about the people in the Premier's office. What do those people do? I guess they do the best they can in pushing legislation forward. They don't have much time. They're under a great deal of pressure because you have the program of the revolution and that revolution must complete its agenda before the end of this term. Time is really of the essence.

We sit here until 9:30 almost every night. We don't mind. That's our job and we're happy to do it. On the other hand they say: "We will tell you what you should talk about. We'll place the agenda. If it's the least bit controversial, if you take too much time in informing Ontarians about your point of view, that, yes, there is an alternative, then you've gone too far." Even in this case when we commend the government — last week we were

on our feet saying, "Job well done, no ifs, no buts. Well, it's flawed, there are things that need answering," and they still hit you over the head.

What are we to do? We seek your guidance, your leadership, Madam Speaker. I can see the expression of pain as you have to help us and save the dignity of the tenure of Parliament. I know when you leave the office today you will be burdened by what has taken place and you will bring it with you. There is no escaping that. I've been observing you very closely and you're to be commended on the excellent guidance and leadership you have provided this House in spite of the majority muscle of this government.

I've been here for 14 years — it's not a long time — and soon to depart. I've worked with Conservatives, with a good deal of pride, I've worked with Liberals and with my distinguished and honourable colleagues of the New Democratic Party. But sometimes it is difficult. When you work with the Reform element, if there's any such thing as a fourth column, it's like another party. Those people are intransigent. With those people you say so little. They know it all.

You can talk about Greek mythology or nuclear physics, do it in five languages while listening to eight different instruments of music, and the Reform are right on top of it. They profess a zeal that is seldom evident elsewhere. Thank heaven, so far we have been able to close the Ontario border — how long will it last? — but some of them made it through. They came by the thousands and a few of them made it through and they're sitting among the Progressive Conservative Party.

You will recall they had a great deal of difficulty. They were in disfavour. Then the wind changed. They had ads in the paper, "If you wish to be a Conservative candidate, jobs at Queen's Park, answer this ad," and some of the Reform members said, "I'm going to answer this ad." I said, "How did you get to Queen's Park?" He said, "I took the bus from southwestern Ontario and then I took public transit." I said, "No, what about the philosophy?" He said, "I answered the ad." I said, "What about the nomination?" He said: "Well, how many people answered the ad in your riding? I'm the only one who answered," and heavens, he started to coattail the Premier and his success story. But they owe him. They're indebted big time.

Now, by a twist of fate, one kept promise, going from 130 seats to 103. Well, mathematically, Speaker — you've guessed it — some of them are in jeopardy now. In some cases you have two Reform and one seat, like Etobicoke. They get it. If I'm going too fast, I'll start again: Two Reform members for one seat, so now they don't know. We're watching for appointments. I'm not talking about Ontario Hydro, because some of them are physicists. They have some nuclear expertise and it is reflected in the compensation package.

**1750**

You know what the Conservatives are allowing those people to do? Those people will never have to seek legal aid, I can assure you. I speak directly to the bill. A million

dollars. You get a signing bonus of \$200,000 after taxes. Where do you sign? One should be so fortunate. In my second life I'm coming back as a physicist. I'm never leaving school. I will study until I get a tenure like that.

They sanctioned that. They gave it their blessing. They said, "It's OK, winner takes all — casino." They worked for three years — get this one, Speaker. This is a gem. You've developed a lifestyle at \$1 million per annum so you don't wish to have to resort to a menial job afterwards. Well, you won't have to because you will get, after three years, \$14,000 per month for life in pension.

Where will it stop? It is written. It's in the contract. I have a copy of the contract.

**Mr Silipo:** Say it's not true.

**Mr Pouliot:** It is true.

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** I heard Dalton McGuinty on the radio this morning and he believes in tax cuts. Did I tell you that?

**The Acting Speaker:** Minister of Rural Affairs, come to order.

**Mr Pouliot:** You'll say, will they throw in the car and driver? They have to. One gets \$300 a week expenses, like pip money, bagatelle money.

**Mr Gerretsen:** Ready cash.

**Mr Pouliot:** Yes, you have to have lunch with friends and it doesn't come free.

**The Acting Speaker:** Member for Kingston and The Islands, come to order.

**Mr Pouliot:** But if you're seeking legal aid, if you know where you stand on legal aid, with respect, you have to grab a number and wait in line. If you were to be informed by the members of the Legislature as to what the bill entails — what does it mean, what are they talking about — the opposition would wish to tell you, and the government too perhaps, but no, they have decreed that you should shut up on this bill because you've spent too much time.

I can't believe it. I mean, what standards are we setting? I see the pages who are here, and we want to wish them well in the future, and I advise them: "Be careful. Never become members of any brigade, club or organization. Beware if you see someone with a blue tie." I would go that far, my God —

**Mr Silipo:** You've got a blue tie.

**Mr Pouliot:** — unless the person has only one tie.

It is unfortunate — and some people are good colleagues, in fact good colleagues all — that the members opposite adhere to this kind of mantra where they believed so much when they met the Premier — in fact, when you meet that special person in your life, nothing else matters. Is there anyone there who has the political courage to say, "I will not take one more closure motion"?

This is a democracy that we live in. People have a right to express themselves. Who are you to come here next week with the next motion and when we debate the motion the spray will come out? Or will it be another method? Will we have access to our office? Will we still be able to

walk the corridors? You know, it's getting to the point where —

**Ms Martel:** Clubs. Use some clubs.

**Mr Pouliot:** Club them, whack them good. The opposition will not be silenced. We represent what democracy is all about. We will be supporting the bill, but any tactics to deter the opposition from expressing their democratic rights will be opposed, opposed and opposed.

**The Acting Speaker:** Further debate?

*Interjection.*

**The Acting Speaker:** It's over, member for St Catharines.

*Interjection.*

**The Acting Speaker:** Member for St Catharines, you didn't jump up right away. I was wrong. It's not over, so you have a few minutes left.

**Mr Bud Wildman (Algoma):** He already spoke.

**Mr Bradley:** I just want —

**The Acting Speaker:** OK, it's been made clear. Please take your seat.

**Mr Bradley:** I just wanted, on a point of order —

**The Acting Speaker:** Everybody sit down for a moment. Okay, let's start all over here. Point of order, member for St Catharines.

**Mr Bradley:** If I had the chance to speak under the rules, I would speak again. But under the rules I can't speak, so the member from Walkerville wants to.

**The Acting Speaker:** Further debate? The member for Windsor-Walkerville.

**Mr Dwight Duncan (Windsor-Walkerville):** Thank you, Madam Speaker. It's with some regret that I join in a debate yet again on closure. Closure motions really are inherently bad for our parliamentary system and prevent members of all political parties — government members, opposition members, third party members — from fully participating in the debates of the day. They're designed to limit those discussions.

The real limitations on debate in this House came about under the New Democratic Party. Members of the House will remember the rule changes the NDP brought in. Do you remember that? Those rule changes were designed to stifle debate. I'm glad the third party is able to join with us now and criticize this government, because this government has gone even further than the NDP government did in terms of stifling debate.

**Mr Bradley:** Far further.

**Mr Duncan:** Far further than the NDP did, although the NDP took us down that route, the NDP brought in the changes that originally tried to stifle debate. We have to keep these issues in due perspective and so we welcome the participation of the third party in these discussions. The member for Lake Nipigon is particularly eloquent about the need for free debate in this House and we have felt this way. We felt this way when they brought about changes to restrict debate. We say to the government —

**Mr Rick Bartolucci (Sudbury):** Did we have debate on the social contract?

**Mr Duncan:** Things like the social contract had debate limited, that's right. Limitations were put on that.



What we say to the government of the day is, don't be afraid to discuss the important issues.

*Interjections.*

**The Acting Speaker:** Would the members come to order, please. Can you wrap up, please, it's six o'clock.

**Mr Duncan:** I'm pleased to wrap up. I regret that this government has chosen to follow the path of the NDP in stifling debate. You ought not to stifle debate. You ought to allow duly elected members the right to debate these issues at length if necessary. For decades, this Parliament continued on and was able to pass legislation. Don't do what the NDP did.

**The Acting Speaker:** Mrs Cunningham has moved government notice of motion number 34. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

Those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members; a five-minute bell.

*The division bells rang from 1759 to 1804.*

**The Acting Speaker:** All those in favour of the motion will please rise one at a time.

**Ayes**

Arnott, Ted  
Baird, John R.  
Beaubien, Marcel  
Boushy, Dave  
Brown, Jim  
Carroll, Jack

Hardeman, Ernie  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Jordan, W. Leo  
Kells, Morley

Ouellette, Jerry J.  
Palladini, Al  
Parker, John L.  
Preston, Peter  
Rollins, E.J. Douglas  
Ross, Lillian

Chudleigh, Ted  
Cunningham, Dianne  
Danford, Harry  
DeFaria, Carl  
Doyle, Ed  
Fisher, Barbara  
Flaherty, Jim  
Fox, Gary  
Froese, Tom  
Galt, Doug  
Gilchrist, Steve

Klees, Frank  
Leach, Al  
Leadston, Gary L.  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
McLean, Allan K.  
Munro, Julia  
Mushinski, Manly  
Newman, Dan  
O'Toole, John

Runciman, Robert W.  
Shea, Derwyn  
Snobelen, John  
Sterling, Norman W.  
Stewart, R. Gary  
Tsubouchi, David H.  
Turnbull, David  
Vankoughnet, Bill  
Villeneuve, Noble  
Wettlaufer, Wayne  
Wood, Bob

**The Acting Speaker:** All those opposed will please rise one at a time.

**Nays**

Bartolucci, Rick  
Boyd, Marion  
Bradley, James J.  
Caplan, David  
Castrilli, Annamarie  
Christopherson, David  
Conway, Sean G.  
Crozier, Bruce

Curling, Alvin  
Duncan, Dwight  
Gerretsen, John  
Hoy, Pat  
Kormos, Peter  
Lankin, Frances  
Lessard, Wayne  
Martel, Shelley

McLeod, Lyn  
Pouliot, Gilles  
Ramsay, David  
Silipo, Tony  
Wildman, Bud  
Wood, Len

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 51; the nays are 22.

**The Acting Speaker:** I declare the motion carried.

It being after six of the clock, the House stands adjourned until 6:30 of the clock this evening.

*The House adjourned at 1807.*

*Evening meeting reported in volume B.*

## STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY COMITÉES PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE

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Gerry Martiniuk, Jerry J. Ouellette, David Ramsay,  
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Vice-Chair / Vice-Président: Wayne Wettlaufer  
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Tony Silipo, Wayne Wettlaufer  
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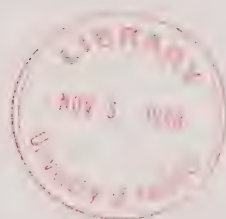
Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 26 October 1998

Lundi 26 octobre 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

Greffier  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 26 October 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 26 octobre 1998

*The House met at 1830.*

## ORDERS OF THE DAY

### COURTS OF JUSTICE AMENDMENT ACT (IMPROVED FAMILY COURT), 1998 LOI DE 1998 MODIFIANT LA LOI SUR LES TRIBUNAUX JUDICIAIRES (AMÉLIORATION DE LA COUR DE LA FAMILLE)

Resuming the adjourned debate on the motion for second reading of Bill 48, An Act to Improve Court Services for Families by Facilitating Expansion of the Family Court and to make other amendments to the Courts of Justice Act / *Projet de loi 48, Loi visant à améliorer les services fournis aux familles par les tribunaux en facilitant l'expansion de la Cour de la famille et apportant d'autres modifications à la Loi sur les tribunaux judiciaires.*

**Mr John O'Toole (Durham East):** It is my privilege to be the lead speaker here this evening on the adjourned debate on Bill 48. For those viewing tonight, I hope I'm not interrupting your supper hour, and for those members who are still adjourned to have their dinner, I hope they pay very close attention to the comments I have to make. This is a very important opportunity to bring some layman's level of understanding of what I deem to be a very complicated little bill only in the languaging of it. I am just going to, for the record, try and bring a layman's interpretation of an important change that addresses the whole issue of the court system and family law.

It's long overdue. It is good to see that there's some harmony between the federal and provincial court systems. I think this is what we have been working towards.

**Mr Peter Kormos (Welland-Thorold):** Point of order, Speaker: I'm not sure that there is a quorum.

**The Acting Speaker (Mr Gilles E. Morin):** Would you please check if we have quorum.

**Clerk at the Table (Ms Lisa Freedman):** Quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** Quorum is now present, Speaker.

**The Acting Speaker:** The member for Durham East.

**Mr O'Toole:** Thank you, Mr Speaker. I have to thank the member for Welland-Thorold, who has now left the

chamber. I really am interested in getting a larger audience to hear the comments I have to make. I'm joined by the member for Northumberland and also the member for Huron who are interested in this issue.

Most importantly I'm speaking directly to those viewers tonight, and it's from my heart, to say that in all of this debate tonight I want you to place very close attention on the issue of children and how perhaps the systems today have failed the children. The central ingredient in this whole issue, whether it's a custody or divorce battle, is that ultimately we keep our focus on the most fragile members of our society.

The province of Ontario is expanding the family court to provide better court services to Ontario families to better protect the interests of children.

Attorney General Charles Harnick introduced the Courts of Justice Amendment Act, Bill 48, on June 24 1998, which will pave the way to the upcoming expansion and reorganization of the court system. You may ask why family court. The issues that are being deliberated in family court are far more unique than civil litigation issues. Family court provides a single-window approach for family law matters by giving one court jurisdiction over both federal and provincial statutes. This is an important distinction here to deal with matters of family law arising.

Members may not know that the way the court system is structured there are certain matters. The provincial courts are able to deal with custody and support orders. However, that particular court — provincial court — is not able to deal with more complex issues, being those of property dispute matters and the divorce itself, which are federal decisional areas.

This clarification of a one-window approach is much in harmony with a lot of what this government is doing: trying to simplify the process and make it more accessible to people who need these services.

Family courts also will be able to provide access to mediation and alternative forms of court procedures. I think if we can solve these cases before the courts we're going to solve a lot of grief, a lot of anxiety, a lot of cost to the litigants. Additional information and education services are designed to help parents focus on the best interests of the children.

Compared to the traditional approach, family courts provide more choice for resolving disputes, therefore lessening the emotional turmoil on the children, and reducing the cost and complexity of cases. The issue here for those litigants, and most importantly the children, is



reducing the cost and the emotional turmoil that could be evidenced in some of the court battles.

Family court is a branch of the Ontario Court (General Division) and the family court judges are federal appointments. This is the important issue here. This bill is in fact — I think my notes told me this; it's not anything I carry around in my mind — co-operation between the federal and provincial governments. I think there's a Bill C-37 which is before the federal Legislature. When that is passed they will be able to make appointments of judges into the family court area.

There has been a series of what I would call pilot activities going on since I believe 1977. In 1977 we had unified court. It was established in Hamilton for a one-year period at that time. As you can see, many governments had this opportunity to streamline family courts; it simply hasn't been done. But once again this government never backs away from doing the right thing.

If I was to be in the next period of time, the year 2000 and beyond — hopefully with the respect of my constituents I'll be here to argue for their rights — we'll still have the courage to make the changes necessary to make Ontario work for people. That's really the essence of my function here as well in this particular debate today: to bring some clarity to it.

A bit of the background, for the benefit of the record: In 1995 the unified court was continued as a family court branch in the Ontario Court (General Division). It was expanded, because of its successful Hamilton experience, to London, Barrie, Kingston and Napanee. The expansion has been termed a success by the bench, the bar, the community agencies helping these groups, the advocacy groups, the court administration staff and indeed the litigants.

Across Ontario, all family law is split into two levels, as I said, where there was overlap in jurisdiction in the courts in some jurisdictional matters, which I have mentioned. The General Division was able to deal with divorce and property issues whereas the provincial court was only able to deal with the custody and support allocations. I'm very pleased to recognize that this change is not a simple clarification; it's streamlining and making services work for people.

I could go on with the prepared text here but in respect to my constituents of Durham East, whether it's in Orono, whether it's in Blackstock or Tyrone or Port Perry, to name but four —

**Mr Jerry J. Ouellette (Oshawa):** Or Newcastle.

**Mr O'Toole:** Or Newcastle. Or, for that matter, all Ontarians.

**Mr Ouellette:** Newtonville. Downtown Newtonville.

**Mr O'Toole:** Newtonville as well.

I have to represent my constituents. Have I met people on this issue? I can tell you, I've met on several occasions with the non-custodial parent groups. This isn't just a gender issue. I would, for the record, like to clarify that this issue is not gender-biased or -specific. I've got non-custodial grandparents who are very interested in this issue who have no visitation rights to their grandchildren.

It's almost tearful when you see them before you in my constituency office, which is in Bowmanville at 75 King Street.

I like to speak to real people. That's how you do a better job here. I've spoken to other constituents who have arranged non-custodial meetings where I've met people I know and people I didn't know until I met them. Of course, saying that sounds kind of redundant, but nonetheless it's just checking to see if you're paying attention.

The person who has put the most hard work into this that I've met in my riding is a fellow by the name of Steve Hyde. They've had some very, very large meetings — I can tell you they're quite vocal — where they challenged not just the provincial member, because we made it clear to them that much of these issues belong at the federal level as well. There's family law and that issue is a very — we're trying to streamline it. But other constituents with whom I've been involved and have worked with — not to say they are non-custodial but they're certainly interested in this issue — would be Gord Ballick, Mary Ann Proctor, a grandparent — I can see her sitting there now, it's just heartbreaking; it really is — and Ron Davey.

#### 1840

There are key things here that I hear about from my constituents: the whole issue of custody, the whole issue of access and the whole issue of support. There isn't a member in this House who doesn't realize that the Family Responsibility Office occupies about half of the time in my constituency office. I won't be satisfied until whoever the delinquent parent is pays the bills. I don't see the taxpayers of Ontario responsible for this, and I think our Attorney General is working towards making the Family Responsibility Office much more accountable. I can tell you I'm going to hold him accountable. I don't know what you think of that, but I'm going to hold the Attorney General accountable. I want these problems solved. The parents, not the rest of Ontario, are supposed to support the children.

I may be getting a bit off topic on that, but I wanted to put it on the record.

I called my constituency office today just to see — and for the record I want you to know that in Durham East we answer probably 60 phone calls a day. The phone number is 697-1501 and we don't use voice mail. We're usually there till about 6 at night or later, or I'm here till later, but we do use voice mail in off-business hours. Let's respect the constituents. If you phone and you don't get an answer, it's because we're busy on the other line dealing personally with a constituent.

But I was asking them today, with the 60 phone calls — we had 241 calls and of that in one day we had 15 calls. On the high day for last week we had 26 calls dealing specifically with this whole issue of the Family Responsibility Office, which really has to deal with some of the decisions, the orders themselves, the administration of collecting and who paid what to whom.

I ask myself, what are we in this business for? It should be clear. The garnishment of the wages or whatever

should be put in place and the government should be out of there. But you know what happens? The children are the vulnerable people whom we are there for and this is why I come back to government having a role in this: to make sure that the vulnerable children aren't left high and dry with perhaps parents who haven't matured.

I hate to generalize, and I didn't generalize in any kind of way that might reflect poorly on someone, but it seems like the family unit's under attack. That's the most troubling thing for me as a parent with five children. My wife, Peggy, and I have to make choices on a daily basis. We have three children in university. I'm almost starting to cry here. We can't have everything. We have to make choices. All parents in Ontario and all adults who've had children need to make some choices. They need to make some choices perhaps even before they have the children, because it isn't my responsibility to raise your children. As a government we have a role to make sure that the children don't fall through the cracks, but if I find a parent who's not paying their fair share, I'll be there with the tax collector, if you know what I mean.

But anyway, I've met with a number of other people. Today, I just met with some people — for the record I want to mention their names respectfully. I know they're probably watching this evening. Good evening. Mrs Sylvia Lasher is with Heritage of Children of Canada, as is Mr Abraham Silver. Verne Beck is with the Canadian Courtwatch program. Gene Colosimo is a father who's lost contact with his child for the last four years. I have great sympathy for those people and I think the system may have failed them.

The complexity and the cost are burdensome. At the end of the day, for two people who've had a serious quarrel or some kind of problem there must be some way of arbitrating a solution to this without wrecking the whole situation. What happens is that they end up going to the court system, they come out about two years later with about \$100,000 to \$200,000 worth of lawyers' bills and more problems, really at a very conflict-based set of communications and then they just want get back at each other. It's sad, technically.

I've also worked with Senator Anne Cools, who's a Liberal senator — you would know her, Mr Speaker — from Ottawa. I have a lot of time for her. She's worked very hard for the non-custodial parent group. I don't mean to be in any way critical of whether she's a Liberal or a Conservative. I'd have preferred if she was a Conservative, but nonetheless her values and morals are right. I say for the record that I support her hard work for the access-to-children issue. That's really what it is, access to children, whether it's grandparents or parents. We all have a role.

But just looking at one of the concepts that was brought to my attention by people I've met on this issue, shared parenting; shared parenting is the responsibility — because genetically the child has two parents, one male and one female usually, hopefully, and I think the child has some rights in knowing its parents. I think it would reduce the cost to the whole system of the litigation that

occurs if we had some fundamental rules that said — I want to move that around just a little bit.

I want to make sure that a parent who's found to be an abusive parent — I would not treat that in the normal kind of context. I'd move that aside. There are procedural ways of dealing with an abusive parent, but parents who had reasons to differ on financial or other emotional grounds and still love their children should clearly not be denied access, provided they're complying with court decisions and orders. I can't see why this game-playing with the child being used as a kind of fulcrum on the teeter-totter is allowed to continue, whichever partner is the problem.

Shared parenting asks a number of questions. It also provides some suggestions. Single-parent families have difficulties, whatever the gender issue. It's not a male-female issue, it's not that simple. I would say that some of these statistics I've been provided are that 71% of high school dropouts are children of single parents. I wouldn't want to stigmatize any child of a single parent, but they're at risk. There's no question. Society has to step in. We have organizations like Big Brothers and that trying to step into the role, but no one can replace a parent. As the parent of five children, I feel I'm the first line of communication and the first line of responsibility with the children.

I've got a number that have been provided for me from the group called NAPPA, which is the National Association for Public and Private Accountability. What attracted me to reading this little brochure was public accountability. I think this government stands — we set some very clear principles for the election platform. The simplest one that would come to mind would be the balanced budget legislation. We will deliver on the promises. We've coined the phrase, "A promise made by our Premier Mike Harris, you can be assured it's a promise kept."

I'm telling you tonight, the Attorney General works for the same guy I do, Mike Harris, the Premier of this province. If we've committed to make this court system work more effectively, I'm sure that's exactly what's going to happen.

I just want to make sure that I have the Heritage of Children of Canada on the record. I know that Sylvia Lasher has helped a number of members here to bring forward private members' bills. I'm going to refer here to Bill 27, An Act to amend the Children's Law Reform Act, which is a redrafting of a previous bill when the NDP were in government. That act is another custodial issue. But that family's been working very hard, tirelessly I might add, for 12 years. I have a lot of sympathy for their concerns.

It's an issue of access, as you know. People are living longer and they're going to be grandparents longer. We talk about the nuclear family, but we've got to talk more about the extended family, the parents and the grandparents, the aunts and uncles. That's what's been missing. You can't raise children in front of a television. They've got to have human interaction with their own family, the extended family, which hopefully includes the



grandparents on both sides. When there's such a high level of divorce, the children — I go back to my very first comment — are the real net losers. Then we look on the streets — and I hate to characterize our young people, but they haven't got the support that the older generation like myself had. I had both sets of grandparents who were there to take care of me in various situations. My mother worked. There were nine children in our family. When that support network isn't there for the urban family today, the child loses again. It can't all be solved by having formalized daycare. Informal daycare by the proper caregiver is often the solution.

**1850**

Mr Martiniuk will probably be speaking later this evening. As the parliamentary assistant, and a trained lawyer, I might add, he is far more qualified to comment on the technical aspects of this bill.

In the remaining moments that I have, I just thought that if you look at the preamble of this bill, you'll see very clearly that "The bill amends the Courts of Justice Act in order to restructure the Ontario Court (General Division) to accommodate a possible expanded family court as a branch of the Ontario Court (General Division)." Theoretically we're combining a couple of separate provincial and federal court systems to provide a streamlined approach.

What is it for? Ultimately I could make the argument that it's for the children of Ontario. Here we have the Attorney General dealing with all the high-powered people, the lawyers, the judges, blah, blah, blah, but really it's to help children. We're also working in co-operation with the federal government, despite Allan Rock and others whom I sometimes have difficulty with. If he'd only support the hepatitis C, I think we'd all move forward. He used to be the Attorney General and he isn't any more, thank God.

Schedule B will amend the Courts of Justice Act, and this thing is working with the federal act, Bill C-37, which when it's passed will be able to appoint federal judges to provincial courts. That's technically the issue.

"The bill also restores the regulatory-making authority for the setting" — this is a nice little schedule here — "of salaries and benefits for provincial judges" — and I wish I was one; there is no pension for Ontario MPPs, nor should there, that was our commitment, but we have to look at the broader sector, and this is perhaps one of them — "while clarifying that the framework agreement set out in the schedule to the act prevails over any regulation that conflicts with it."

My time has expired. Thank you very much.

**The Acting Speaker:** Questions or comments?

**Mr James J. Bradley (St Catharines):** The member would know that there has been a recent court case in which we have a circumstance where the government is being challenged in court, and I think successfully challenged, over the probate fees that people had to pay in regard to a will and the processing of a will. It reminds me that this government has raised taxes some 327 times if you want to count the fact that user fees are taxes. My

friend from Simcoe will recall that the Premier, during his own leadership campaign and I think during the last election campaign, stated that a user fee is a tax. Mike Harris said this. When you increase a user fee, you increase a tax, because that's what he said is a tax.

I was surprised; I think it's because of the amount of time that's available for the member for Durham East — if he had had half an hour, he would have discussed this, I'm sure, instead of being confined to the 20 minutes. He would have talked about the user fees and the mass increases in these user fees that are taking place across the government. While the government cuts income tax, favouring the wealthiest people in our society, it increases other fees which in fact are taxes. I'm wondering what the member would have to say about all of these increases and fees, whether he thinks that's healthy, whether he thinks that's fair, whether he believes that perhaps wealthier people in our society would be able to pay these fees but people of modest means may not, and whether that jeopardizes a person's situation before the law.

**Mr Kormos:** It's interesting that the member for St Catharines raises the issue of user fees and the decision in the courts regarding the so-called probate fees, which really were interpreted as being probate profits for this government. You ain't seen nothing yet.

We were in the justice committee this afternoon dealing with Bill 25, a so-called red tape reduction bill, and one of the constant themes through that bill is that it transfers fee-setting power from the regulatory process to the minister and Premier themselves. They can do this in secret, in private, at their whim —

**Mr Bradley:** Behind closed doors.

**Mr Kormos:** — behind closed doors, without ever subjecting the process or the decision to any scrutiny by, for instance, the leg and regs committee. That was pretty scary stuff to witness in Bill 25.

I suppose it does eliminate red tape. When this government talks about eliminating red tape, they talk about eliminating Parliament. They think it's cumbersome to have to make democratic decisions; it's cumbersome to have to debate things; it's cumbersome — oh, it's red tape — to have an opposition. They think it's an excessive burden to have to be subjected to the testing by the opposition on a daily basis in question period or during the course of debate. What we're witnessing is an increase of the star chamber approach — that's not out of order, is it, Speaker? — where decisions are made behind closed doors, in the secrecy of the backrooms of the halls of power, with the influence of the Bay Street gang. That's what we should be frightened of.

**Mr Doug Galt (Northumberland):** Thank you for the opportunity to respond to the member for Durham East. He did just an excellent job on presentation on the particular bill, Bill 48, the Courts of Justice Statute Law Amendment Act. I thought it was interesting how he brought in an awful lot of things about the riding and about his own family. He also talked about the family under attack. I think that's really happening in our society today and it does take government and our courts to look

after those awkward situations when that certainly happens.

He talked a lot about his wife, Peggy, their five kids and the responsibility that a family has, that parents have to look after their children, even though many times one of the parents will drop those responsibilities and disappear, and how the courts are necessary to bring that into line. When you talk about a single parent, that's almost an impossibility because, as he mentioned, it does take two parents to create a child and they both have an awful lot of responsibility for the raising of that individual.

He talked about accountability. Certainly this government has been exceptionally accountable to the taxpayers of Ontario. We came out with the Common Sense Revolution as our platform and we have a reputation for doing what we said we would do. Many people on the street tell me that this is the first party in government ever that's really followed through on the promises they made during their campaign.

I thought it was also interesting that the member for Durham East talked about the extended family and the responsibility of that extended family. It brought to mind the song that it takes a whole village to raise a child, a song that came from Africa and has often been used by people when they have been travelling around.

**Mr Michael A. Brown (Algoma-Manitoulin):** I was quite taken by the comments from the member for Durham East. One thing I was missing, and I'm sure he will do that when he has a chance to respond to my comments, I missed your 1-900 number. I got all the rest but not the 1-900 number.

As I listened to his speech, though, I was really quite amazed. He talked an awful lot about the Family Responsibility Office. He said that half his calls coming in are in regard to the Family Responsibility Office. Well, I've been around this place now for a little more than a decade, and you know what? My experience is the same as yours. About half our calls or maybe even sometimes a little bit more than half are in regard to the Family Responsibility Office, because they're not doing their job. I'm getting far more calls than I ever did before this government came to power and centralized this office and has just frustrated the people I represent in terms of trying to have those payments made on time so they can look after their children.

It's amazing that he would admit during his speech that this is a problem that is not resolved and in fact has been made worse by this government.

**1900**

The second thing I want to say is that I'm not sure he read this bill. Explanatory note: What it says is, "The bill amends the Courts of Justice Act in order to restructure the Ontario Court (General Division) to accommodate a possible" — I repeat "possible" — "expanded family court as a branch of the Ontario Court...."

You are really excited about something that is only a possibility. If you read the explanatory notes a little bit more, you would be far less excited.

**The Acting Speaker:** Response?

**Mr O'Toole:** I respect the thoughtful comments by the members for St Catharines, Welland-Thorold, Northumberland and Algoma-Manitoulin. There are some missing pieces here and I will certainly fill the blanks in now.

He did ask a very important question, what my 1-900 number is. Actually, I don't have a 900 number, but we do have a 1-800: 1-800-661-2433. That's the constituency of Durham East, soon to be Durham.

The member for Algoma-Manitoulin — not because he spoke most recently do I remember his comments, but it's because he was last to speak that I will respond to him first — said that the Family Responsibility Office is a problem. Of course, the previous governments had an opportunity to fix this. We stepped in. Charles Harnick has made an attempt to make this thing work.

Clearly, we can't fix this in one term. Do you know what that says to me? The people of Ontario have a very real decision to make, that we need a second term to complete and fix 10 years of neglect — the last 10 years, the last decade. Give us a second mandate and you can see by the performance — five pillars? You'll see all of the promises made, the promises kept. The future looks bright because you know this is a government you can depend on to deliver the promises.

I made another comment and I need to clarify the record. I said inadvertently that I worked for the Premier, Mike Harris, and Charles Harnick, the Attorney General. It has crossed my mind, and the real fact is, that we work for the people of Ontario, the hard-working taxpayers of Ontario. That's the point I want to make clear on the record. I think the Premier said it best when he said we're not government, we're here to fix government. It sounds like a phrase but really think about it. What it means is that once you become part of the inculcated value system, you're incapable of making change, and if you're here too long you become too much like it.

**The Acting Speaker:** Further debate.

**Mr Bradley:** Obviously, first we had Mulroney and now we have baloney. I have heard both in the last week. I don't necessarily equate the two; I just said first we had Mulroney and now we have baloney. Some of the stuff I've heard tonight is a stretch, to put it nicely. We have certain things we can't say in this House, so "a stretch" is as close as I come to making comment.

I can tell you, first of all, the government member's Conservative predecessor, Sam Cureatz, was a pretty independent-minded guy. He was so independent-minded — I should tell me friend what happens when you're independent-minded — that when he had the position that our present Speaker has, M. Morin, the member for Carleton East, he got fired from it by the Premier because back in those days the Premier picked who was the Speaker. Why? Because he was very independent of the Premier. So the lesson there is that you cannot buck the tide of the Premier without getting in trouble.

I thought you had an interesting admission earlier on when you said that you work for the Premier and the Attorney General. Somebody sent a note in, I guess. You



told me you said that at one time in your speech. I thought it was a Freudian slip, but the more I think of it, the more I recognize over there that the real power is in the Office of the Premier. Certainly we know that this bill would have originated with the consent, at the very least, of the Premier's whiz kids, if nobody else.

I should mention — members of the House will want to know — that I am really excited about the launching of the new Conrad Black national paper. Is that tonight? I was reading today —

*Applause.*

**Mr Bradley:** The Tory members are clapping loudly because they know that Conrad will now have an even greater empire in which to purvey his right-wing views. You would know, Mr Speaker, from living in Ottawa, as you do, that when he took over the Ottawa Citizen and they were hiring editorialists, the qualifications seemed to be that you had to be in the research department of the Reform Party or the Conservative Party in Ontario, which of course is the same party, and you had to have some experience with the Fraser Institute.

**Mr Wayne Wettlaufer (Kitchener):** And you object to that because for a generation —

**Mr Bradley:** I saw that we're not going to get balanced editorials. We're going to get that narrow, extreme right-wing viewpoint.

What is interesting, I say to my friend from Kitchener — he would find this interesting — is that now when the CBC is trying to balance things out and they want to get a right-winger on the program — like the one that Stephen Lewis's son, Avi Lewis, does — they get somebody from the Ottawa Citizen editorial board or from the Fraser Institute and they have about the same point of view.

Once in a while they will throw a bone to the opposition or something, but by and large they are ideologically right wing. Of course, with the launching of the new paper we will see even more of that being purveyed around this province and this country. I was reading today —

**Mr Wettlaufer:** You never said a thing for a generation when all the media were Liberal.

**Mr Bradley:** I remember the Toronto Telegram, and it certainly couldn't be accused of being neutral, nor could the Sun papers be accused of being neutral.

I have to say to the Conservative members who badger me at this time that you've got Conrad Black on your side. You need not fear, I assure you — if they decide that they're going to launch an advertising campaign on this bill — any editorial criticism from Conrad Black's newspapers because you will be handing the money out to them, so they appreciate those full-page ads with the Premier's photograph on them. The people of this province don't because they know they are reaching into their pocket for their hard-earned dollars to pay taxes to pay for Mike Harris to glorify himself with these ads.

They're on television. I understand there's been a big buy next month for television ads. I don't know if they have told the Tory caucus that yet. There are the radio ads that are on constantly, newspaper ads, and every time you open up your mailbox there's another propaganda piece

complete with: "Would you like to reply? Send your name and address." Of course, that will be going to Tory headquarters eventually; that will make its way to Tory headquarters.

If you want to talk about justice tonight, here we have an abuse of public office as this government squanders millions upon millions of dollars on self-serving, clearly propagandistic material being presented to the taxpayers and having them pay. What's most galling, of course, is the fact that people who significantly disagree with this government have to pay for these ads.

If the Conservative members wish to put out their newsletter, that's fine with me. The Conservative caucus has a budget which it could use, and you're going to have more than the opposition because you have 82 members. I don't object to that. That's the rule of the House and I understand that. I may not like it but I understand it and that's within the rules. What I object to is the government using various ministries to purvey a propagandistic message to the people of this province — blatant political propaganda paid for by tax dollars.

Every time somebody opens up the paper and sees Mike Harris's photograph in an ad, they should be ringing up the cash register because it's costing them money for Mike Harris to advertise. That's why I'm hoping, with this bill, that we won't see that kind of advertising taking place.

We mentioned some tax increases. I want to go back to the fact, as I mentioned to the member for Durham East, that it was Mike Harris himself who said to all and sundry that a user fee is a tax. Sometimes I disagree with Mike Harris. There are occasions where I find myself in disagreement. One place where I understood what he was saying and he was upfront was when he said a user fee is a tax.

The member for Welland-Thorold is in committee today, the justice committee dealing with Bill 25, he mentioned, which is the so-called red tape bill. It's in committee, you should know, to block another reference to do with Ipperwash. That's why it's in the committee, I should say that.

#### 1910

It talks about user fees, whether it's in the court system or anywhere else. The new way of raising these user fees is to do it not by legislation, which would come before the House, and not even by regulation, which is done behind closed doors, but at least there are some minutes kept and somebody might object somewhere along the way within the government; it's now being done administratively by the Premier and whatever minister is involved. That'll clear the red tape. That'll clear the decks for constant increases in user fees.

Who likes user fees? The people who can afford user fees, the wealthiest people in our society, the most powerful people, the people who attend the Conservative fundraisers on an ongoing basis and fill their coffers, those people are going to say: "We would agree with user fees, because if we have to access" — say it's the court system — "the judicial system at all, we can afford them. Let's charge everybody those user fees."

Of course user fees, like municipal property taxes, do not take into account an individual's ability to pay. So while Conrad Black may be able to pay a user fee that's rather substantial, a person of modest income or modest means or modest assets may find it a financial imposition to have to pay those same user fees.

If I could draw a parallel, hockey is said to be our national sport; it certainly is in the winter. You used to see kids who would be able to play hockey at various levels, because the price was relatively low. The cost for the rental of the arena for the hockey association was somewhat modest and usually biased towards young people in our society. So the registration fees tended to be less than \$100. Today, even when you get into a House league, you'll see registration fees of \$250 and \$300. If you want to play for a travelling team, you put \$1,000 on the table to start for the cost, and then of course there's equipment and other costs that come later.

What does that mean? That means that the children from families that have money have more access to those opportunities to play our national sport of hockey than children of modest means. In fact, there are children who cannot play hockey at all because their families simply cannot afford the registration fee.

That's Mike Harris's Ontario. That's what it's about. That's what you people are about: one rule for the rich and the privileged and one rule for the rest. The rich and the privileged love it because, by not having to pay through taxes, they don't have to assist in helping the people who have more modest means, for instance, helping their children to play hockey. They simply pay their money, because they can afford it, and the others are left behind. That's what happens when you have user fees, and that's what we're going to see in this bill. What you've seen in the ministry of justice, in fact, are user fees.

The Family Responsibility Office — we're talking about the Unified Family Court and so on and payments. There are still hundreds of thousands of dollars — I saw a figure just a little while ago, \$1.2 billion. A recent article in the Hamilton Spectator estimated that two years after the government's changes to the Family Responsibility Office, \$1.2 billion is still owing to women and children. What's interesting is that sometimes even non-custodial parents, who are trying to pay but whose files get bogged down at the government's revamped Family Responsibility Office, are complaining. So what's interesting is that sometimes we're getting calls from both of the spouses. In other words, they're separated and one wants to pay and the other says, "The money is not coming in," but it's not the other spouse's fault; it's caught up in the red tape somewhere.

Back when we had regional offices it certainly wasn't perfect but at least people had more access to the Family Responsibility Office. Now it's one big, huge monolith in Toronto. Yes, individual MPPs can get the service, but why should people have to go to the MPP to get service which normally should be given to people right across the province? Some very top-notch people have been assigned to handle those situations brought to the attention of the

MPPs and have done a credible job in that. But there are thousands upon thousands of people out there who don't have that assistance.

When we talk about justice and what might be available for people, there's a punitive tune to this government. I wish this government were as punitive dealing with polluters in this province as they are dealing with other folks who are part of our society.

In St Catharines, I think of Women's Place, which is a shelter for women who are abused, have to flee an abusive spouse, often taking their children with them. This is a temporary shelter for them from the abusive husband, in most cases. The circumstance is that Women's Place now has to go out to fundraise. Some people say: "Isn't that good? These people have to do something to support themselves."

The people who are involved with Women's Place are preoccupied with providing services to people who have to depart from an abusive situation in their own home. They shouldn't have to hire fundraisers, as they do now. They shouldn't have to preoccupy their time, in many cases, with fundraising, though there's good support in the community when they do so. What should happen, of course, is that the government of Ontario should be providing the kind of assistance to those disadvantaged people which they deserve and which they need.

I see the crime commissioners; two of them are here tonight, anyway. I hope they take that into account. I should tell the crime commissioners, by the way, that your government has cut \$1.5 million from legal services and victim support. I heard a lot of noise in this House from the Attorney General, the Solicitor General and some of the other members of this government about how they were concerned about victims' rights. Indeed, they stole the victims' rights bill from the member for Downsview, Ms Castrilli, who brought it in several times. The government finally said: "We're going to take that bill. We'll weaken it a bit, but we'll take that bill, and that bill will be passed." There was support in this House. But when it passed, many of us noted that the financial resources would not be there for its full implementation.

So there's a lot of noise. The commissioners have their conferences and conventions, and they bring in the big-timers from the US to say how you can bash all these people, and that plays with a certain crowd. I don't know if they have real answers.

I'm going to invite my friend, as I say, Downtown Brown — I don't say that in a disparaging way at all — to look at those options. He has heard some of them. When he went to St Catharines, he will know Jim Wells, a friend of Frank Sheehan, a campaign worker for Frank Sheehan, who works with people who have been on the wrong side of the law, gave him some good recommendations and wasn't particularly lauding some of the recommendations the crime commission was coming forward with.

Some \$9.8 million has been taken since 1995-96 from the public guardian and trustee's office; \$43,000 cut from the Criminal Injuries Compensation Board, which provides compensation and financial assistance to the families



of victims of crime. Since 1995 this fund has been cut by \$1.2 million.

I thought, again, these people were all about victims of crime. They talk a good game, but when it comes to shelling out, when it comes to investing in their rhetoric, they're nowhere to be found. They'll put out a pamphlet, I guess, or ads on the radio and television next month saying what they're doing. Think of where that money could be spent. The tens of millions of dollars that are being fired around as though they're coming from some tree, think of where that could be spent productively to help people in our society.

The member for Welland-Thorold and I will be confident that the taxpayers coalition in the Niagara Peninsula will be issuing a press release on this and demanding that the government refund the money to the taxpayers of this province and have the Conservative Party pay for all these partisan ads. I know the taxpayers' coalition. They are people who are not partisan. They care first and foremost about the squandering of tax dollars. So they will be demanding of Premier Harris that he refund this money to the taxpayers and that he use Conservative Party funds. I know they will.

1920

The National Citizens' Coalition, another group which has assiduously watched members of legislatures and the federal Parliament to see that they're not wasting money, will be conducting a national crusade, focusing primarily on Ontario, for all of the money being squandered.

**Mr Gilles Pouliot (Lake Nipigon):** The Fraser Institute.

**Mr Bradley:** The member for Lake Nipigon mentions the Fraser Institute, another organization which sends us all kinds of material telling us how we can save money. All of those groups I know will be demanding this government quit squandering money on wasteful advertising.

This government, when it gets into the field of justice, talks a good game, but when it comes to investing the funds to ensure that the obligations within their legislation and regulations and policies are met, they are nowhere to be found on that occasion. The money is lost in the same place it was for the Minister of Health when she supposedly announced millions of dollars five months ago for emergency care in Ontario. Then the Premier got to the convention, got some heat and said, "Isn't it awful, Elizabeth Witmer isn't doing her job."

*Interjection.*

**Mr Bradley:** Well, I heard it. He said he was going to get after the Minister of Health. Then I guess she must have blown up because he became a pussycat again and said, "Oh no, it's those awful civil servants, they've held it up."

Then some people said: "It must be the heir apparent. It must be the member for Victoria-Haliburton, who had a considerable hospitality suite at the last Conservative convention in Ottawa. Perhaps he is to blame for it, because he's the Chair of Management Board."

Finally, we find out of course that ultimately the blockage is in the Premier's office. They wanted to save

the money so they could flow it just before the election, so the Premier, like Santa Claus, could go around the province giving back money that he had slashed so joyously just a few months before. This may all apply to this bill. We will know as the debate continues.

**The Acting Speaker:** Questions or comments?

**Mr Kormos:** The member for St Catharines, Jim Bradley, raises a number of issues. You heard him speak at the onset. I'm going to be speaking to this bill in a few minutes. I've got some things I want to say about it too. The member for St Catharines talked about Conrad Black, Tubby Black, who owns every daily newspaper in the Niagara region, all three of them — what Conrad Black says, that's what goes — but he also talked about the taxpayers' coalition and the concern that all of us ought to have about foolish expenditures of taxpayers' money.

Just the other day I got the pamphlet in the mail, the welfare pamphlet. Did you get the welfare pamphlet, the multi-page? There's a little tear-off in the back. They want you to report somebody who is ripping off taxpayers' dollars. I encourage people to fill it out. I want people to fill out that little mail-back that tells you to put in the name of somebody who is ripping off taxpayers' dollars. Start with Conrad Black, start with Frank Stronach, start with the whole bunch of the Bay Street gang, all of whom are getting big tax breaks and more than a few significant concessions from their friends in the Conservative caucus, at taxpayers' expense. Write in the names of companies like Rural/Metro who are going to rip off taxpayers as they privatize ambulance services and as they privatize firefighting services so that if you can afford to pay for it, you get to ride in the ambulance, if you can afford to pay for it, they'll put out your fire.

Write in the name of Corrections Corp of America, which is going to rip off taxpayers where they participate with this government's largesse, privatizing correctional facilities so they can run jails for a profit, ripping off the taxpayer. That's the real fraud, that's where the real rip-offs are taking place, that's where the real siphoning away of taxpayers' money is happening.

People, fill out those forms. Mail them in. We've got to get them in.

**Mrs Lyn McLeod (Fort William):** I was very much appreciating listening to the member for St Catharines as he covered a range of issues directly or indirectly related to Bill 48, which is before us tonight. Anybody watching the debate this evening would enjoy, as I did, listening to the member for St Catharines discuss issues of considerable public interest.

I found myself wondering though as the member for St Catharines was speaking whether or not, as our House leader and a person long acquainted with the procedures of the Legislature, he wouldn't prefer to be debating this important bill in a more regular procedure, which would be during our afternoon sitting rather than in an evening sitting of the Legislature which traditionally in this place has been used at the end of the session to clear up what are basically housekeeping bills. I don't think the issue of access to justice, if that indeed is what the Courts of

Justice Amendment Act is purporting to deal with, is something which can be considered a housekeeping matter. Access to justice is a very important public issue.

I'm sure the public found it of interest to listen to our House leader discuss that issue and issues related to it. They might have preferred to have had an opportunity to hear a greater breadth of issues if we had given them the opportunity to watch a replay question period this evening. The fact that we're sitting from Monday night through to Thursday night — and have been from the time this session resumed — has certainly had an impact on whether people are able to watch the exchange that takes place during the Legislature in the early part of the afternoon. Perhaps that serves the government's purposes very well.

I too will have an opportunity to speak to the substance of the Courts of Justice Amendment Act a little bit later on this evening. I was glad that the member for St Catharines talked about user fees and the fact that there is a significant increase in user fees under this government, which of course in itself is a barrier to access to justice. I was wishing he had taken a moment to discuss the fact that the probate fees — which were actually increased by the NDP government — were found by the courts last week to be a tax and as such should be subject to legislative change, not regulatory change.

**Mr Pouliot:** Before I respond to the member for St Catharines, I'm somewhat appalled and shocked and I would like answers to verify tout de suite the remarks from my colleague and friend from the great northwest taking an unusual swipe at the New Democratic Party's tenure during those great five years. I'm surprised. It's so unbecoming. In 14 years we had become close. I know that the person is most ethical, very capable of defending her ground. But why is it necessary for the Liberal Party at this time — six, seven months prior to an election — to aim at the New Democrats, the third party in this House as opposed to aiming straight at the enemy. They have found the enemy and it is themselves. I'm vexed, yes, I'm hurt. I will no doubt get over it. But it's most common. It came from nowhere that Madame McLeod would say something. We feel flattered in the NDP. Deserving of such a reaction means that we must be favoured in the polls.

The member for Welland-Thorold is absolutely right. He talks about the expansion of the family court when he tells you about accessibility. You know earlier on this afternoon we were debating legal aid. Chronologically, you don't have representation because you can ill afford it, but the government says: "We will change that. We'll have a new administration. We'll have a transition board." All good deeds and then you move closer. The question is: How long do we have to debate Bill 48? Will you pull the same thing, the same stunt that you did before? Will the opposition be silenced again to serve your agenda?

**Mr Galt:** I always enjoy the flair that the member for St Catharines has with his presentations. He always brings in Conrad Black. We discussed tonight the newspaper coming out tomorrow, his brand new newspaper. We're certainly all looking forward to that. This evening he left

out the Albany Club. Usually in every speech he mentions the Albany Club. I don't know how he could have missed that this evening. I notice him making notes on his two-minute response. I'm sure he'll be wanting to cover the point that he missed on this round.

I notice he did cover the point on user fees; he usually gets in there digging away on that one. I thought it was interesting, but he seemed to miss the fact of the 30-plus tax increases they had during his government's period back in the late 1980s, part of the 65 or 66 tax increases that occurred during the lost decade of 1985 to 1995. It was quite a competition between the Liberals and the NDP as to who could raise taxes the most at that time, when in fact our government's been cutting taxes regularly.

He'd be interested to know, because he often talks about consultation — and I think it's kind of interesting — when you look at the statistics on the quantity of time that various governments have spent, the one that's really interesting is the time spent on third readings. In our first session, we spent two hours and 10 minutes on third reading. You might think that's kind of short, when in fact the NDP spent 48 minutes per bill and the Liberals spent a whole seven minutes per third reading on each bill. That gives you some indication of the kind of consultation and the kind of public interest that the liberals had during their time when they were here in government — all of seven minutes per third reading.

**1930**

**The Acting Speaker:** The member for St Catharines, two minutes.

**Mr Bradley:** I appreciate the opportunity to respond to each of my colleagues who have been kind enough to respond to my remarks.

I'm sorry I did not mention the Albany Club, which is of course a gathering place for wealthy Conservatives in downtown Toronto. In fact, I can actually hear the tinkling of the glasses together as they toast one another as they raise user fees that are most detrimental to the youngest people in the province.

I have counted now, because I was doing some more counting, 438 tax increases by the Conservative government. The member for Northumberland talked about 32 increases or something. I've counted 438 tax increases by this government, because of course Mike Harris said a user fee is a tax. Every time you turn around, behind closed doors these folks — not Harry Danford, but the others in the cabinet — are hiking all these increases. Your constituents, when they have to access government services, recognize it's coming then.

I'm glad that the member for Welland-Thorold mentioned the privatization of facilities. I know in Fonthill right now the government is trying to slip in a correctional services facility —

**Mr Kormos:** Jim, don't scoop me; that's my speech.

**Mr Bradley:** It will come up, no doubt.

It is a private company, of course, an American company, no doubt — some American connections — and they're trying to sneak that in quietly in Fonthill at this



time, but many of us know about it and it won't go in there easily.

The member for Fort William, as always, was very helpful in her remarks on the procedures in this House. I know that Ipperwash, for instance, is something all of us would like to see as an inquiry. In asking about justice, people are saying, "Where is the public inquiry for Ipperwash?"

**The Acting Speaker:** Further debate?

**Mr Kormos:** In view of what happened this afternoon in justice committee, I'm not sure that debating Bill 48 or any other piece of legislation is going to serve any significant purpose. Let me tell you why. Notwithstanding some very concentrated and thorough criticism of schedule C of Bill 25, the Tory majority on that committee passed it, notwithstanding the pleas of opposition members. Why is schedule C so significant and why do I raise it in the context of this debate around Bill 48? Let me tell you what schedule C does, and it's but two pages. Schedule C makes this Legislature redundant. It makes the process of serving as a member of this provincial Parliament or on a committee of no value whatsoever.

In an unprecedented way and in a style that I'm confident is unparalleled, schedule C — as I say, but two pages. It's called the Statute and Regulation Revision Act. Let me tell you what Schedule C says, because I'm confident that there are a large number of Ontarians, even Ontarians who have been active in the practice of law, who are unfamiliar with the existence of this particular law. Schedule C, and I'm reading directly from the Statute and Regulation Revision Act, says that the legislative counsel for the province of Ontario "may prepare a revision of any or all of the statutes of Ontario." This is a civil servant; this is a bureaucrat. This is not an elected member of the Parliament.

It indicates that legislative counsel can make changes that are necessary to clarify what is considered to be the intention of the Legislature, and that once those changes are made, they are deemed to have been enacted by the Legislature. This is very dangerous legislation. It's extremely dangerous legislation.

I want you to understand — and, Speaker, I believe you do, but I want others to understand — that on a 10-year basis there has been presented to this House, in the ninth year of the decade, a piece of legislation that's been the subject matter of debate and then a vote which authorizes the preparation of the Revised Statutes of Ontario, what are called the RSOs. These are the compilation of statutes, both the historical ones and the ones that were passed in the previous nine years.

These RSOs — RSO 1980, RSO 1990 — are prepared by legislative counsel. In the course of their preparation, the statute that has historically appeared before this assembly in the ninth year of every decade authorizes legislative counsel to renumber sections if there have been amendments made so that the numbering of the sections becomes fouled up. It permits legislative counsel to renumber sections, permits legislative counsel to correct grammatical errors or indeed even typographical errors.

But it remains that it has been the subject matter of a bill before the House in the ninth year of each and every decade so that there is an opportunity for legislators, for members of this Parliament, to address the matter.

Bill 25 is an omnibus bill, and there is a schedule C, among others, which is worthy of great and serious concern. Why are we even bothering with Bill 48 when this government has transferred, by virtue of schedule C of Bill 25, to its bureaucrats the power to rewrite legislation without any public process whatsoever — never mind no public input, no input from the members of the Legislative Assembly — with not even a posting of a notice of its intention to address a particular bill for the purpose of rewriting it?

I want to tell you, as I told the committee this afternoon, that over the course of the last 10 years I've had and maintain the greatest of respect for the office of legislative counsel. I believe that legislative counsel and its office — and I speak of it as the office, not the personalities — is as integrus a group of civil servants as one could ever find. But let's be very conscious of the fact that governments have attempted, can attempt, and certain types of governments, I'm confident, will, and will in the future, attempt to subvert the independence of the civil service. A wink and a nod is all it takes.

Understand what this means. Once this bill is passed, it's forever. The matter will never be referred to the Legislature again. The office of legislative counsel is given the power to change legislation in any way it deems necessary so that it will better express the intention of the Legislature.

I ask you, as I asked the committee this afternoon, who does legislative counsel refer to? Do they refer to the introductory comments of the minister who's sponsoring the bill? Because even you have been around here long enough to know that there's often a great difference between what the minister says when she or he introduces a bill and what the bill actually does once it's presented to the Legislature.

#### 1940

Just last week we heard the Treasurer, and I'm sure driving a whole gaggle of political staff into a frenzy, announce that there was going to be legislation capping business tax increases by 10%. I'm not sure, but I don't think that went through the cabinet process. Far be it from me to have the inside scoop on it, but I think it's a pretty safe inference to draw that the Treasurer, under the growing political pressure of the crisis this government has created in property taxes across this province — specifically in Niagara 18 million new dollars in property taxes downloaded onto the people of Niagara, residential taxes going up 20%, 30%, 40%, 50%, 80%, 90%, business taxes similarly, sometimes even higher.

You were here the other night, Speaker, when I talked about non-profit organizations, places like the Slovak Hall, places like the Croatian National Home, where I was on Saturday night at their annual dinner. These non-profit organizations are suffering exorbitant tax increases, are being taxed as commercial properties, as if somehow they

were profit-making. These are primarily seniors, a whole lot of seniors, who struggle to run bingos when they can and to raise funds to keep these halls alive.

As I say, legislative counsel is being given the absolute power to change the legislation, not just correct the grammar, not just address the renumbering of sections as a result of amendments. Yes, I'm questioning how relevant it is to even bother debating Bill 48, because this government doesn't want a 10th yearly review of the revision of statutes in this province. This government very clearly, in a very dangerous way, an extremely dangerous way — dare I tell you what fair-minded, just-thinking people call governments that create legislation behind closed doors and that would create a scenario where the civil service could be coerced, co-opted, into doing their will through a statute like the Statute and Regulation Revision Act? You know what those kinds of governments are called. Those governments have no tolerance for democracy.

You see, it's red tape. This government thinks it's oh so burdensome to have to be confronted by an opposition. Oh, it's just so much hassle to bother having debates in the Legislature. It's such a waste of time to have committee hearings. These darned opposition members. It has addressed the issue in a very frightening way with schedule C.

I tell you, if you think, as you may, that I'm being partisan in my approach to this, I ask you to read the legislation.

**Mrs Helen Johns (Huron):** He is shaking his head. He thinks you are partisan.

**Mr Kormos:** Well, I've shared this legislation with a number of people, not all of whom share my political beliefs. Quite frankly, some are far more akin in their approach to things with this government. That's their prerogative. They're not huge in numbers where I come from, but I've found some. I tell you, their understanding of this bill and their response to it is as full of fear as mine is.

Here we are, Bill 48 and this government — and I've listened to the government speakers here tonight. Ms Boyd, our member from London, in a very thorough address on Thursday past addressed the issues that are of concern here. One, of course, is that most people's understanding or image of a unified court, especially as it expands, is the utilization of judges who acquire a specialty, a history of experience with and an ongoing participation in family law. Regrettably, this legislation permits the Chief Justice — as we call the senior judge — to rotate judges in and out of these Unified Family Court positions.

As Ms Boyd told you, she spoke with Mr Justice LeSage and he assured her that his interest would be to make sure that judges who had experience in family law and a background in it would be the ones he was going to appoint to these positions. I hope that is the case. I, as Ms Boyd did, regard that comment from the Justice as being etched in stone. Quite frankly, as Ms Boyd pointed out, it should've been written in the legislation.

The whole purpose in developing a Unified Family Court is so that family matters, litigation, all far too

expensive as it is and far too time-consuming, especially when, as it is now in most parts of the province, participant litigants have to move from one court to another and wait their time in each — do we support the bill? I say to you yes, we are eager to see this process of the expansion of a Unified Family Court. There shouldn't be a bailiwick in this province, a county seat as they were known in the past, that doesn't have Unified Family Court. In Niagara — and I endorse entirely the proposal for a Unified Family Court in Niagara north in the St Catharines courthouse — there should and there has to be one in the Welland courthouse as well.

The situation is even more extreme, let's say, in the north. We don't have intercity bus service. We don't have public transit of that nature. Since this government has downloaded public transit to the municipality, we have less and less internal bus service so that poor people, seniors and young people can't travel about the way you can in downtown Toronto. We endorse the proposition of a Unified Family Court. We have some concerns — Ms Boyd expressed them — about young offenders — I'm talking about the lower level, the lower tier — and not using family court judges who have developed the expertise to deal with those young offender criminal cases.

You heard it. My colleague from St Catharines Jim Bradley began to mention, knowing that I was going to speak about this government — I'm conscious of the time, Speaker, and I wish I had more — what's happening, as you know, down on Weber Road. This government is funding a private operation to convert a building that was designed as a residence into a maximum security YO facility in the midst of a residential area. Nuts. By doing it, and to achieve that goal of privatizing that facility down on Weber Road — folks down there know exactly what I'm talking about. Wally Gabor and his neighbours have organized and are dealing with it with their Pelham town council and have had public meetings and are trying to address the issue at the OMB level by way of zoning difficulties. They hope there are zoning difficulties.

This government's shutting down Arrell observation centre in Hamilton —

*Interjection.*

**1950**

**Mr Kormos:** Bill 48 is about young offenders. You know it. Oh, yes, very much. It's about a Unified Family Court and whether or not young offenders are going to be appearing at the lower level, the tier one, whether they're going to be appearing in front of family court judges with specialized backgrounds or in front of the regular criminal courts. I've got to tell you I have confidence. Others may have more concern about that than I do.

Here's a government that says, "To heck with the years of expertise developed by professional skilled workers at the Arrell observation centre," a public facility, a publicly run facility with public accountability and with a track record that's matched by none. It's going to shut down Arrell so that it can facilitate the opening of a privatized YO maximum security facility — these are the most dangerous, most disturbed young people in the province — in the middle of a residential community and in a building



that was never designed or built to be a maximum security facility.

The young offender wing at the Niagara Detention Centre has sat vacant for two years now, empty, with a capacity — yes, Bill 48 — to contain at least 20 youths. Sat empty. It's a publicly owned facility. The government wants to shut it down, but it wants to spend your taxpayers' dollars to allow a privatized facility to be built in a residential neighbourhood, entirely inappropriately, and to be run in a way that isn't accountable publicly the way the Arrell observation centre is.

You heard the story about William Hay up in Ottawa. You know what happened there. Some former staff who were well aware of the types of programming — once again, these are maximum security young offender facilities. These are the most dangerous, disturbed young people in our province. The community deserves to be protected from them. Quite frankly, we have an obligation to make sure that these very disturbed, dangerous young people are engaged in as intensive and thorough a rehabilitation and treatment process as possible.

The former staff at William Hay prepared at the onset to perhaps consider the tendering process — an RFP, a request for proposals, to run William Hay as a private centre with their own organization — and finally withdrew. We talked about in the Legislature about a week ago. They withdrew their bid, saying that with their experience, there's no possible way the programs that had existed there as a publicly run facility could be maintained when it's a privately run facility.

This government abandons those young people who need treatment and need it badly. It abandons those communities that have been put at risk by these same young offenders. It exposes communities like Pelham to even greater risk. This government, with its passion for privatization — oh yes, it talks a big game about law and order, but when it comes time to deliver, when it comes time for enough cops on the street, when it comes time for properly run correctional facilities, we see nothing.

**The Acting Speaker:** I'd just like to remind the members that the bill is Bill 48, for those who paid attention. The questions should be on Bill 48, not on the debate that just took place.

Questions or comments?

**Mrs Johns:** I was trying to make the link between Bill 48 and what the member was talking about. I will go back to Bill 48. It's important for us to recognize that the family court system in Ontario has not been working in the past. In constituency offices across the province of Ontario, such as we are fortunate enough to have, we've heard many times where parents have come in and have talked about the difficulties they've had with the family court system, whether it be that they've had to wait so long to be serviced by the family court system, whether they're talking about the efficiency of the family court system or whether they're just talking about how the system isn't helping them to deal with family problems. I think we have all heard that and I think it's important for us to say that it's just about time we looked at this extension of a Unified Family Court system in Ontario.

One of the things that struck me much earlier was when we were listening to one of the members, the member from Durham, speak. He talked about the number of grandparents who had been unable to get custody of their grandchildren or people who had had problems with custody issues in his riding. I think all of us who have had that experience as we've watched a family member from across our desks or around our desks talk about that and how sad it really is. We need to work at making the system more streamlined, and I think every member in the House would agree that that's an important goal we all have in trying to service the people of Ontario and trying to keep families together, or as a unit that works together even if they choose not to be together as a family.

I'm very proud of this bill and I think all the people who are watching tonight will be pleased that this bill is going through this House.

**Mr Michael Brown:** I'm always delighted to comment on the fine presentation of the member for Welland-Thorold. I'm surprised, though, that in his presentation there were a few items that he missed raising. One of those would be the absence of a crown attorney in the district of Manitoulin. The district of Manitoulin is the only judicial district in the province without a crown attorney. We had one until three or four years ago. Mr Allison has never been replaced. The community has been demanding that the government move on this issue, without any success. We are looking forward on Manitoulin to have a crown attorney. I know the member, if he'd had more time, no doubt would have mentioned that.

If he'd had the opportunity, he would have mentioned that access to justice is certainly not available the way it should be to the people of Elliot Lake, who have been for many years now, or a couple of years anyway, without the services of a justice of the peace. That makes it very difficult for the city of Elliot Lake police and the OPP to obtain the warrants they need to get and the other dealings the police would need to have with a justice of peace when there is no resident one in that fine city. It also surprisingly, or not surprisingly, makes it very difficult to get married in Elliot Lake if you want a ceremony that is provided by a justice of the peace rather than a clergy person, so that's a problem.

Recently we have seen provincial offences courts in Chappleau cancelled — cancelled, after people had come many miles, because the justice of the peace didn't appear. I know the member would have, if he'd had more time, included that.

**Mr Pouliot:** If you looked at our list in terms of attendees, people who must be here in attendance with their respective caucus, there is an omission. My name is not on the list, but since my friend and most distinguished colleague was speaking on a very important piece of legislation, I thought it was imperative that I be here to listen to our great advocate. You will attest, of course, that the member for Welland-Thorold, Mr Peter Kormos, is always meticulously prepared. He has researched, he is thorough and, above all, he is balanced in his approach.

Of course, there is a tinge of emotion when he brings us from the court system to the marketplace, to the street, to the situation in Welland-Thorold of not the best representatives of society, those of the Young Offenders Act. The member for Welland-Thorold says, "I support the local police." The member for Welland-Thorold says, "They talk the talk" — the government does — "but they're not with those men and women in blue." They're soft on crime. The member for Welland-Thorold comes back and says: "There is an alternative. Listen to what I have to say. Those are the people, the men, women and children, I represent in the great riding of Welland-Thorold."

I feel privileged to be here. I don't believe there is one member in this House who would not wish to have Mr Peter Kormos as their advocate. He is my legal adviser, but that's OK. I am his financial adviser.

2000

**Mr Gerry Martiniuk (Cambridge):** As usual, I followed with close interest the comments of the member for Welland-Thorold. Unfortunately, he didn't talk about this bill that's before the House, Bill 48. It's a very important bill.

A pilot project was set up some 30 years ago with the co-operation of the federal and provincial governments for a Unified Family Court in the city of Hamilton, and it worked. For the first time in that municipality, couples who had problems could have their problems adjudicated at one location, at one place. It has worked quite effectively. Unfortunately, it has taken us 30 years to drop the second shoe, an unfortunate 30 years, in my opinion, because the present status is simply that we have two court systems which deal with marital problems, and they're serious problems, problems that have to be resolved, not only for the couple but more importantly for the children involved in a custody battle.

I have personal knowledge in the past of the problems between couples and the impact on their children. In many cases, it's quite severe and harmful to the future of the children. So I think this is an important piece of legislation, and we all have an obligation to address this legislation to make it just the best we can for the children of our province.

**Mr Kormos:** Do you know what really bugs me about this place? It's that so often people like the last member will stand up and say something about which he ought not to be speaking.

I spent a great deal of my mere 20 minutes talking about young offenders. If you don't think the bill has anything to do with young offenders, read it. In particular, read section 21.12, which specifically talks about how "The family court shall continue as a youth court for the purposes of the Young Offenders Act...with respect to all proceedings that were commenced in the Family Court...before the day the Courts of Justice Amendment Act...is proclaimed in force."

Don't you read the bills? Don't you understand what you're talking about before you start your debate? For Pete's sake, don't just read the cheat notes the government

whip gives you. You're going to be misled every time. You're going to be conned, you're going to be scammed. That's the spin. You've got to read the bill, people, and sometimes you've got to read between the lines. You see, that's why I talked about young offenders, because this bill is about, as I indicated, the expansion of the Unified Family Court, and I indicated we support that. It's also very much about the role of family court as a youth court. It's in the bill. I appreciate it's section 21. Now, if you only read to section 3 or section 4, you're not going to get it. You've got to read all of the bill. You can't just read the first page and the cheat notes that Harris's office distributes so you can go out there and talk nice and warm and fluffy out there in your communities. You've got to read the legislation.

People in committee hadn't read Bill 25. That's why they didn't know about schedule C or schedule G, which we'll be talking about tomorrow. Please, my Conservative colleagues, read the legislation before you debate it.

**The Acting Speaker (Mr Gary Leadston):** Further debate?

**Mr Martiniuk:** I'm pleased to speak on Bill 48, An Act to Improve Court Services for Families by Facilitating Expansion of the Family Court and to make other amendments to the Courts of Justice Act.

The Attorney General will soon be announcing a major expansion of the Unified Family Court in Ontario. The main purpose of this bill is to support this expansion by making minor adjustments to judicial administration.

The expansion of the Unified Family Court is an important goal, which I am confident has the backing of all three parties. I believe we all agree that the Unified Family Court model represents a better way of delivering family law services, finding solutions to family disputes and reducing the emotional turmoil on children.

The Unified Family Court now exists in five communities: Hamilton, London, Barrie, Kingston and Napanee. Further expansion of the court is overdue and is widely supported by the bench, the bar and social service groups. However, the pace of expansion is not within provincial control. Judges in the Unified Family Court are federally appointed. As the Attorney General explained in the House last week, the federal government has not provided Ontario with enough new judicial appointments to meet Ontario's needs.

The Ontario family law community was encouraged by the news in the spring of 1997 that the federal government was planning a new round of expansion of the Unified Family Court. The Ministry of the Attorney General submitted a proposal to the federal government outlining a plan for expansion of the Unified Family Court to reach more than 50% of Ontario's population. This coverage was based on receiving 22 new judicial appointments from the federal government.

In March of this year, however, we learned that the federal government would be appointing only 17 judges to Ontario's Unified Family Court bench. This is far short of what is required to meet the needs of Ontario families. Since only a few provinces were seeking new appoint-



ments, we had been counting on a much larger proportion of the 27 available appointments to bring the benefits of Unified Family Court to more families in Ontario.

With only 17 new judges, the province has had to re-examine plans for expanding the Unified Family Court. Our objective is to obtain the maximum benefit to Ontario families from the limited federal appointments. In making decisions about locations, the government will be guided by the principle that communities with the greatest need should receive services first.

This government is firmly committed to the goal of the province-wide Unified Family Court. The Attorney General has called on the federal government to make it a priority to provide more judges at the earliest possible opportunity so that the Unified Family Court can be extended to all Ontario communities.

In the meantime, we will proceed with the current phase of this expansion. We expect to be making final decisions about expansion locations soon. Our goal is to have the new courts operating in the spring of 1999.

Let me review some of the benefits of the Unified Family Court model for Ontario families.

In areas of the province without the Unified Family Court, family law cases are heard in both Provincial Division and General Division courts. Each court has exclusive jurisdiction over certain family law matters. This is confusing and most inconvenient to the public, who often must use both courts to resolve family disputes. The Unified Family Court, on the other hand, has jurisdiction to hear all family law matters and provide a much needed single window for the public.

In addition, Unified Family Courts provide mediation services to help families resolve disputes without resort to costly and time-consuming litigation. An impartial mediator helps parties find common ground and keeps the best interests of the children foremost in mind.

The government intends to make the Unified Family Court model even better. We plan to complement the mediation services offered at Unified Family Court sites by providing new public information services. Specifically, both the new and existing sites will offer information sessions on family law and on alternative methods of resolving disputes and educational sessions on the impact of parental separation on children. These services have been strongly recommended by the bench and the bar and will help families to resolve disputes with less acrimony and with greater focus on the interests of the children.

#### 2010

To further strengthen the court, we intend to further streamline the procedures of the Unified Family Court. New family law rules were recently passed by the Family Rules Committee and will soon go forward for cabinet approval. These rules are designed to make the court process faster and simpler for the parties and to put an even stronger emphasis on the early resolution of cases. This is important both from a cost and emotional standpoint to the family unit. We anticipate that the new rules will come into force at the same time as the new court locations begin operating.

To support the expansion of the Unified Family Court, we also propose a number of improvements to judicial administration. These administrative changes are the subject of Bill 48. The proposed amendments have been requested by the judiciary, who are fully supportive of Unified Family Court expansion. The amendments are designed to ensure that the Unified Family Court operates as efficiently as possible. It further ensures that Ontario obtains the maximum benefit from the limited judicial resources available.

Specifically, the amendments will provide that regional senior judges have a clear authority to direct and supervise sittings of the Unified Family Court and assign judicial duties so that there is no doubt as to where the direction comes from. It will establish the office of the senior judge of the family court to provide advice to the Chief Justice on issues affecting the Unified Family Court from a provincial perspective. The amendments will further recognize the Chief Justice's constitutional authority to assign General Division judges into the Unified Family Court on a rotational basis.

Let me underline that the rotation of judges will make additional resources available and enable the court to be expanded to more communities. At the same time, a substantial core specialized bench will be preserved, as most judges hearing cases in Unified Family Court will be permanent appointees to that court. In addition, the proposed amendments would remove Young Offenders Act matters from the jurisdiction of the Unified Family Court. No doubt we will be debating that further, and hopefully have an opportunity to debate that matter at committee, because it is proposed that young offenders court matters be removed from the Unified Family Court so that it can deal with matters relating to family disputes and custody of children. The proposed amendments would accomplish that.

Judges who deal with young offender cases on a day-to-day basis are of the opinion that these matters should be dealt with in the Provincial Division. There has been widespread consultation on this matter with the judiciary, who, after all, are the persons who will have to sit on these particular cases. The offices of the chief judges and ministry support this assessment, given the proven expertise and extensive experience of the Provincial Division in hearing young offender cases. The elimination of the Unified Family Court jurisdiction in young offenders matters will also free up judicial resources for a wider expansion of the court and, I should say, will result in family court matters being expedited. One of the problems with courts in Canada, if not all over the world, is that delays in justice could result in justice not being done, especially when we're dealing with children of tender years who are involved in a very traumatic situation with their parents.

The Unified Family Court represents a better way of finding solutions to family disputes, one that puts the children first. This innovative approach reduces the cost and complexity of resolving family disagreements, as well as minimizing the emotional toll on the children.

Ontario is firmly committed to the goal of a province-wide Unified Family Court. The Attorney General and our government will work, with further lobbying of the federal government, for more judges, which would permit the extension of the Unified Family Court to all areas, to service 100% of the citizens of Ontario. The results of the pilots in various cities to date have proven most beneficial to all parties concerned.

The amendments before the House will create a solid administrative foundation not only for the current round of expansion, but for further expansion of this innovative and responsive family court model.

In the past, all parties in the House have supported the establishment of Unified Family Court sites. This bill will facilitate our efforts to expand access to this court to more communities. I am confident all members of the House will support this legislation, which will benefit Ontario's families.

**Mrs McLeod:** If I understood correctly what the member was saying at the beginning of his speech, he was suggesting that there could be an even broader expansion of the Unified Family Court had the federal government appointed 22 judges rather than 17 judges. I think that harkens back to the introductory comments that the Attorney General made probably last June when this bill was first introduced. It seems to me to be a rather astounding statement, because we are talking about the appointment of 17 more judges; we are talking about a federal government action which supports access to the justice system and the expansion of the Unified Family Court.

Quite frankly, I don't think you're going to find many members of this House who are opposed to an expansion of the Unified Family Court. But what I find rather amazing is the suggestion that it could have been even broader if the federal government had appointed 22 judges instead of 17 judges. I think the operative word here is "more": more judges, more access to justice. That contrasts rather sharply — and I'll expand on the contrast when I have an opportunity to speak to the bill — with what the Harris government provincially has done in terms of access to justice.

The member opposite talked about delays in justice being a concern. They most certainly are a concern. I think greater delays to justice are the result of government cutbacks by the Harris government over the last years.

We're all concerned about the fact that Claudine Rodrigues was killed, by a driver charged with impaired driving, on June 23, 1996, a tragic incident. Equally tragic is the fact that just this September, just last month, the case was dismissed due to excessive delay in trying the case. The case is being appealed because of pressure that has been put on the government by the opposition, but that's one example where cutbacks have led to increased delays in access to justice.

2020

**Mr Kormos:** I find the comments of the member from the Conservative backbench from Cambridge drawing me into a response, because he talks about judges. Is he right about the federal government? Yes, the federal govern-

ment should be putting more resources into federally appointed judges. But please, let's understand why the government rationalizes pulling YO criminal prosecutions out of the family court. They are acknowledging that there aren't enough family court judges, and those are provincial appointments. The family courts that I'm familiar with, the provincial court, family division, those judges find themselves with massive caseloads. Cases before them are constantly being adjourned until the judge can find adequate time to deal with hearings. Quite frankly, that has nothing to do with the expansion of the Unified Family Court. It has to do with the status quo, the status quo that has prevailed for the last three years, since the summer of 1995.

Will the member please read the survey done of crown attorneys, who reported in that survey that because they were so understaffed, underresourced, they didn't have time to adequately interview victims and witnesses who were to participate in trial proceedings, who indicate to me that they are very much under pressure from this government to take pleas, to reduce charges so they can get an accused to cop a plea so they can clear the docket, because this government won't invest resources in crown attorneys, in policing, in provincial courts, both criminal and family divisions. This government has been responsible for the withdrawal of charges because of delays for which it is solely responsible.

**Mr Jack Carroll (Chatham-Kent):** I'd like to compliment the member for Cambridge. He dealt specifically with the bill. He gave us some very good input that I'm sure was for the edification of all members of the House. I compliment him on that.

He made reference to the fact that we've had five pilots in the province for some years and so we know that the Unified Family Court system is a benefit, especially a benefit to the children.

The member from Port Arthur talked about tragedy. The tragedy of all of this is that we find ourselves in a position where we need 17 or 22 more judges to deal with family court issues, specifically to deal with the breakdown of the family environment. That in itself is reflective of the breakdown of family life in our province. It's a sad commentary that we need to put more and more resources into the courts to deal with the fact that families are struggling more and more to stay together, and of course the unintended victims of that breakdown in family life are the children, who are least well-equipped to deal with the issue. That certainly is an overriding concern for all of us.

The member for Cambridge spoke about mediation services. I think, if nothing else, we know that the use of mediation services can be effective. We know they are less expensive services, we know they produce better results with less confrontation, and they certainly have much less of an impact on the innocent victims of these family disputes, the children.

I commend the member for Cambridge on a great presentation on a piece of legislation that I'm sure, despite the opposition, will pass in the House and will be for the betterment of all the citizens of Ontario.



**Mr Michael Brown:** I enjoyed the extemporaneous and free-flowing remarks of the member for Cambridge. I would like to point out to him, though, that seeing an 80% increase over what the government had asked for in federal funding for judges is certainly something we on this side are pretty pleased about, particularly given your government's record in dealing with the justice system.

Since 1995, we've seen cuts to the special investigations unit; we've had the police complaints commission disbanded; we've had a cut of \$43,000 this year in the Criminal Injuries Compensation Board, which provides compensation and financial assistance to the families of victims of crime. Since 1995, the cut is \$1.2 million.

We've seen \$1.5 million cut from legal services and victims' support, and we've seen almost \$10 million cut since this government came to power from the office of the public guardian and trustee. These are all important access-to-justice issues.

We've seen fees increase, divorce fees. Everything from filing a statement of claim to summoning a witness to your statement of defence now costs more money, which is fine if you happen to be from that segment of Ontario society that can pay for it. But if you're not, you're denying access to justice for a large group of Ontarians.

While we in the opposition would support an expansion of the Unified Family Court, this government has a pretty dismal record in terms of justice.

**Mr Martiniuk:** I'd like to thank all of those who spoke to my comments: the member for Fort William, whose views I always listen closely to, and I have worked with her on committees at various times and respect her views and comments; the member for Welland-Thorold, with whom I've also worked closely on committee, and I listened especially closely to his comments and was pleased to see that he did mention the bill before us; my colleague the member for Chatham-Kent, with whom I work closely, and I thank you for your comments; and last but not least, the member for Algoma-Manitowlin.

I think it's fair to say that the intent of this bill, as an administrative matter to enlarge the Unified Family Court system in Ontario, meets with a great deal of unanimity among all parties. There is some disagreement regarding certain parts of its application, but I'm sure we can explore these at length, and no doubt will, at committee.

I think it's fair to say, though, that all parties have one intent: that the extension of the Unified Family Court will benefit not the judges, not the lawyers, but the users of the Unified Family Court system, the parents of the family and, most important, the children. I'm sure we'll all work together to that end to improve the user system provided by the Unified Family Court.

**The Acting Speaker:** Further debate.

**Mrs McLeod:** I'm pleased to be able to participate in the debate tonight. I want to begin by referring very specifically to the bill before us, Bill 48, An Act to Improve Court Services for Families by Facilitating Expansion of the Family Court and to make other amendments to the Courts of Justice Act. The part of the title that I particularly want to focus on is that this is once

again an act about, or at least it says it's about, improving services.

This is really a bill, as I look through the bill, that is entirely focused on a reorganization of the court, an expansion of the court, based on a model that was successfully implemented back in 1977 and that I think has proven itself over the course of those years. So it is high time that we see some expansion of the system. But it is nevertheless still dealing with organizational changes.

#### 2030

It's important, as we debate whether this act is going to serve the purpose of improvement, that we recognize that this government is enamoured of reorganization, that most of the legislation we have before us deals with reorganization of some aspect of our public services, and that in every case those reorganizations are what the government offers up as its way of supposedly improving services. I think it's extremely important that we recognize how completely fixated this Harris government is on reorganization as a way of supposedly improving services.

My central contention this evening is that while reorganization in and of itself in this case may be desirable — in this case it's not so much a reorganization as an expansion of a reorganization — at no time can an administrative reorganization be considered synonymous with the improvement of services. The improvement of services actually takes a lot more than reorganization. In fact, the record of the Harris government over the last three years, and particularly over the last year and a half, has been to put forward reorganization after reorganization in the name of administrative efficiency, when it really is reorganization as a camouflage for cost-cutting.

Let me take two examples that aren't in the justice field before I turn specifically to the area of the administration of justice, which this Bill 48 is dealing with. I look at the health care system. Certainly we are seeing massive reorganization in the health care system, but the reorganization in the health care system began with this government's desire to take \$800 million out of hospital budgets. From there, we had the setting up — after the cost-cutting, by the way — of the hospital restructuring commission, which has gone on to announce the closure of some 35 hospitals in the province, and tomorrow in the Niagara region is undoubtedly going to bring the hammer down on some additional hospitals in Ontario.

It's a little bit difficult to understand how this hospital restructuring is going to bring about the administrative efficiencies that are going to make up for the \$800 million in cuts to hospital budgets. It's a little bit difficult to know, when the government is trying to put in place 1,700 temporary chronic care beds, how that is going to be made unnecessary after the government cuts out 50% of acute care beds and 42% of chronic care beds as a result of its reorganization and restructuring. It's difficult to see how they can then shut down the 1,700 chronic care beds which are needed to take pressure off acute care hospitals today.

The reorganization in the health care field, I would suggest, is becoming rather convoluted, rather difficult to

understand, but still the government puts forward as a very basic tenet that we can reorganize, we can achieve administrative efficiencies, and then we can make some significant cuts in budgets, such as the \$800 million cut out of the hospital budgets.

The second area in which we've had massive reorganization is in the field for which I am the critic, and that's education. The Harris government has reorganized everything in education. They've reorganized the school boards; they've reorganized the boundaries for the school boards; they've reorganized the funding. They've taken over 100% of the funding. They've reorganized to the point where we have absolutely massive chaos in our educational system.

Ostensibly in education the reason for reorganization is to bring about administrative efficiency, to get rid of administrative waste so that dollars can be saved. Why do dollars have to be saved? Because the Harris government wanted to cut \$1 billion out of the education budget in order to help pay for its tax cut. They've actually reorganized to the point where they have redefined the classroom so that they can say they can take \$1 billion out of education without hurting the classroom. So we've even reorganized the way in which a classroom is defined.

Of course, one of the results of reorganization that we're witnessing today is massive implications for school closures and the dislocation and movement of students. There are some real questions about whether there will be any financial efficiencies as a result of these school closures, but nevertheless, once again we have reorganization on a massive scale that the government puts forward in the name of administrative efficiency. Of course, in education as in health care, they talk about their ability, through this administrative efficiency and cost saving, to save money and at the same time to be able to improve services.

Here we have yet again, in the field of justice, a bill which says that it's going to improve court services for families by facilitating expansion of the family court, an expansion of a reorganization model, a bill that deals exclusively with reorganization.

I happen to think this particular expansion of a reorganization is a good idea. I've already said that tonight. But I don't want to see this bill, as in health care, as in education, be the basis on which the government can hold it up and say: "Look what we've done to improve access to justice in the province of Ontario. We've expanded the family court. We've improved access to justice by our administrative reorganization, our expansion of reorganization." That would be camouflage, as their claim to be improving public services in every other area is camouflage for what in fact is cost-cutting.

My colleague from Algoma-Manitoulin detailed some of the areas in which we have seen cost-cutting by the Harris government in the field of justice. He talked about the fact that there were cuts to the special investigations unit, that the police complaints commission was disbanded, that there was \$43,000 cut from the Criminal Injuries Compensation Board, that since 1995 that fund

has actually been cut by \$1.2 million. My colleague spoke of the \$1.5 million cut from legal services in victim support, and he talked about the \$9.8 million cut since 1995-96 from the public guardian and trustee office.

I spoke a few minutes earlier about the concern we have that just last month a case was dismissed from court in a situation in which an individual was killed by a driver who was charged with impaired driving two years ago. That case was dismissed because of the delay in hearing the court. Cutbacks in funding delay access to justice. No bill that extends a reorganization can claim to be improving services if the government continues to cut back on its access to justice in a host of other ways.

The only thing that this government has actually increased in the field of justice is its fees for Small Claims Court. I have a number of other issues related to cutbacks in justice that I want to address, so I'm not going to take the time this evening to talk about the probate fee decision that came down from the Supreme Court of Canada last week other than just to recognize that this is an issue we have to return to. I don't know whether any of the small claims fee increases that have come from the Harris government might be deemed to be in excess of what's required to provide the service, but if that were the case and somebody chose to challenge that in a court of law, they might get a similar ruling that the Supreme Court gave last week.

I apologize to my colleague from Lake Nipigon who's offended when I mention that that probate fee increase did come from a New Democratic Party government. It did; that's simply a statement of fact. But that particular fee increase was found to constitute a tax because it was in excess of what was required to administer a service. Of course, the court went on to say that therefore it was not a legal fee increase because anything which is a tax must be subject to legislation.

It would be, of course, quite inappropriate of me to then get into a discussion about Bill 160 and the fact that there is legislative permission for this government, by regulation through cabinet, to set about \$6 billion worth of property taxes, which, clearly, if I'm reading the Supreme Court of Canada's decision correctly, would be seen to be in violation of the Constitution. I wonder how many of the fee increases in the field of justice and other areas might be in violation of the Constitution because they are indeed tax grabs and not actual fee increases.

With limited time for debate I want to recognize a number of other areas in which there has been a reorganization carried out by the Harris government in the areas of justice because, again, we are dealing with a bill that aims to improve access to justice, and I think it's important that we talk about it in the context of access to the justice system. I know there was a reorganization of the courts' administration. This is an issue I feel very strongly about because when we were in government there was a unification of courts brought about, and one of the issues was access to the court administration.

This is very important to people who are members of the bar who are seeking to get speedy access to informa-



tion that will allow them to get into court quickly and to carry forward their cases. There was an intention, some-time back, when those court administration offices were expanded across the province with that court unification, of only one zone for all of northern Ontario. We successfully fought against that and had two zones established, one in the northeast and one in the northwest, while this government's reorganization deprived us of the court administrative centre in Thunder Bay, which meant that there is no access to court administration documents in northwestern Ontario, which considerably slows down access to justice in the courts of northwestern Ontario. Let me hold that up as one reorganization in justice which has not improved access to legal services.

We are debating changes to legal aid. That bill had a time allocation motion brought in this afternoon, so we're not going to be able to debate it any longer. But once again we have this government offering a reorganization in a justice area, a reorganization that is supposed to deal with the major problem people have had in getting access to legal certificates so that they can afford to have representation before a court of law. What's this government's answer to this major problem? Their answer is to reorganize the legal aid system, but they're not talking about putting any additional money into it. If the central problem is that there isn't enough funding to provide funding to legal aid certificates so people can get representation so they can go to court, then the government's reorganization of the legal aid system is not going to serve the purpose of improving access to justice.

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I have a particular concern in this area as our caucus's critic for women's issues, because we know that those women who are seeking legal aid certificates in order to deal with domestic situations, child custody situations, are the group of people who are least able to get access to legal aid support. It's their cases that are not being heard in our courts, because women are not able to get legal representation.

I have a recent update on what has happened to support for women in the justice system. When it comes to legal aid, it makes it quite clear that there has been a reduction in the number of legal aid certificates granted, year over year, under the Harris government. There has been a 65% decrease from the 1992-93 total to what it is today, now down to 80,000 certificates issued in 1996-97. It's particularly a concern when it comes to family law matters. For family law matters, in 1996-97 there were 13,973 legal aid certificates issued. That's a decrease from 61,704 legal aid certificates for family law matters that were issued in 1993. Now here we have An Act to Improve Court Services for Families, but how are low-income families, single parents, going to get in to family court if there is not legal aid support available for them, if they are bearing the brunt of the problems in accessing legal aid certificates? Clearly, family law is bearing the brunt of the lack of funding for legal aid. This government's reorganization of the legal aid system is not going to solve the problem that there's not enough money to provide legal aid support in family law areas.

I wanted to speak again very briefly about a positive initiative I believe this government took, a new initiative, again related to justice and the courts and standing in the name of the expansion of access to justice in the area of family violence. This was the introduction of family violence courts, which are intended to expedite the hearing of family violence cases and also to provide a more sensitive and responsive justice system for people who are coming forward in situations of family violence. I believe this is a positive initiative. My quarrel with this particular initiative is that the government has refused to look at extending that access to family violence courts into northwestern Ontario. It's as if this government doesn't understand that providing a family violence court in Sudbury, for example, or North Bay provides no access at all for residents of northwestern Ontario.

I've not yet been able to get an answer from the government as to why they would not have placed one of their family violence courts in northwestern Ontario so that the greater access to justice that they claim to be providing, that they claim they want to provide, is equally extended to residents of northwestern Ontario. I hope that if the government is really committed to the expansion of access to justice, particularly in cases of family violence, they will revisit the decision to have their courts more heavily placed in areas of northeastern and southern Ontario so that there can be some extension of that particular court to northwestern Ontario.

I couldn't possibly talk about the whole issue of access to justice for families without addressing the issue of the family support offices. It would surprise me if any member of the opposition who spoke to the improvement of court services for families, the whole question of access to justice for family matters, did not address the other reorganization this government undertook: the reorganization of the family support offices.

This is one of those reorganizations which very clearly was a camouflage, and maybe not even a camouflage; it didn't even pretend to be a camouflage. It was a straight cost-cutting measure. They shut down all the regional offices that were providing support to families, and by far the greatest majority of them were families headed up by women who were seeking to get enforcement of the court-ordered support orders literally to provide food and clothing for their children. We know how significantly in arrears the enforcement of support orders is in the province.

**Mr Michael Brown:** Don't they owe \$1.2 billion?

**Mrs McLeod:** I think it is \$1.2 billion that is owing to individuals who have not had enforcement of their support orders from the courts.

The government had a problem — there's no question about that — because there was such demand for assistance from people in southern Ontario, particularly in the area around Toronto, around the GTA, where they were dealing with it only through telephone contact and didn't have across-the-counter contact. They decided that they had to expand their telephone services to people in southern Ontario and that they had better shut down all the regional support offices, where you could actually come in

and talk to a person and get support, and use those dollars to expand their telephone support services. Of course, we know that simply hasn't worked.

We all have horror stories in our constituency offices of the long waiting times, of the fact that individuals have given up trying to use the 1-800 number. The family support offices centrally can really only be accessed by our constituency offices, which are now taking the place of the family support offices that used to exist out in the regions. We know the problem of arrears is increasing, particularly for those where the arrears are presenting significant problems that take a lot of extra work and that were being dealt with effectively in the regions by the regional family support offices and now are not getting attention at all.

That is one of the areas in which a reorganization has not provided support to justice. I've already spoken about the fact that access to family courts is limited because of the lack of access to legal aid certificates. Already, people who are looking to get support and custody orders, particularly if they're trying to get the financial support they need to be able to step out of a potentially abusive situation — these are urgent and immediate cases. We know that women are not getting access to legal aid certificates to be able to get into court with legal representation, because we've seen the limitation on the number of legal aid certificates they're getting. But for those who do finally get into court and get the custody order, get the support order, justice means there also has to be enforcement of the court order. That's not happening because this government, in its passion to solve problems with administrative reorganizations, shut down all the regional offices, put a phone number in its place and there is simply not the ability of staff at the other end of the phone to go out and actually bring about an effective enforcement of those court orders.

It's important that we extend access to the justice system, greater access to the justice system for families. This expansion of family courts can be a positive step in that direction, but it cannot be a sole solution that allows the government to claim that it has improved access to legal services for families, given all else that has happened.

#### **The Acting Speaker: Comments?**

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**Mr Tony Silipo (Dovercourt):** I'm pleased to comment briefly on the presentation made by the member for Fort William. I appreciated very much listening to her remarks, to the thread that went through her comments as she talked, that the government should not, under the umbrella of reorganizing, simply be using that as a vehicle for cutting. She's quite right when she talks about what the Harris government's track record has been in the area of health care restructuring, in the area of education restructuring. Certainly we saw another example with the discussion we were having earlier this afternoon about the legal aid plan being restructured.

I would like to add to the comments and the approach she took that we've seen a situation in which the word

"reform" as it was applied some years ago used to mean improving something for the better, that is, providing greater access, and unfortunately over the last little it's come to be used while more as a synonym for cutting.

I share her concern that this approach, reorganizing, in this case in the court system, can be a good thing and can actually lead to some useful things — I'll have an opportunity to talk a little more about that in a bit — but we also need to be wary that restructuring does not simply become another way for the government, as it likes to use the phrase, "to try to do more with less," because in this case you would be providing less justice to people, and in fact less justice to even fewer people.

That's a concern that I know the member for Fort William would share in terms; I've listened to her comments. It's something, I say to the government, that we need to be wary of. Their track record on other restructuring has not been the best. It has led to many cuts across the province. I don't think that's their intention here, but I think you can understand the kind of skepticism with which we come at this issue.

**Mrs Julia Munro (Durham-York):** I just want to take the time to add a few comments to this discussion this evening on Bill 48. It came to my attention several months ago when many of my constituents recognized the importance of the opportunity that a Unified Family Court would bring, particularly to an area such as Newmarket with high growth. They explained to me the kinds of problems they have typically encountered, the kinds of things that have meant that families have been dragged through very expensive and very time-consuming processes, ones that obviously put those who are involved at great emotional risk.

They also explained to me the kinds of problems people have in being able to make themselves available for two separate courts. It seems to me it is those kinds of issues that we are here to look at this evening. I certainly join with those who have expressed support for this bill, because very clearly it would have an improvement, an efficiency, and most important a benefit to those who are most emotionally at risk in these processes, and that is of course the children of the families that are involved.

I look forward to the passage of this bill and also I'm optimistic that an area such as mine will receive the attention it deserves, given that it is such a high-growth area. It also provides an opportunity to look at some kind of alternative dispute mechanisms, ones which everyone recognizes would be beneficial to all.

**Mr Michael Brown:** I appreciate very much the comments made by my colleague the member for Fort William. I think she canvassed the bill fairly well, from my point of view. It seems to me that one of the things that's lacking in this piece of legislation is an indication of where the government actually intends to broaden the Unified Family Court system. We don't know in which jurisdictions the government intends to provide these court services.

If the government would give us some indication, it would be much appreciated, because certainly in north-



eastern Ontario we would appreciate the services that are provided by the Unified Family Court. It seems, as an experiment that's been going on since 1977, that it is an experiment that has worked rather well and that the time has come now for those services to be available to all Ontarians, particularly those of us who live in the northern part of the province.

Having said that, obviously the Family Responsibility Office is having increasing difficulty enforcing orders, support orders in particular, and one of the things I was just wondering is: Is there some information the government could provide us with that would indicate to us the advantages of a Unified Family Court over the present system in terms of getting orders changed? Because that's one of the things that does at times slow down the effectiveness of enforcing the family responsibility act.

**Mr Kormos:** I found the comments of the member for Fort William particularly interesting, because the Tories have been trying to paint this bill as the greatest thing since buttered popcorn, as if somehow this is going to address all the ills that have been infecting our court system.

**Mr Pouliot:** It's a bagatelle.

**Ms Marilyn Mushinski (Scarborough-Ellesmere):** I'm glad you recognize it.

**Mr Kormos:** Well, I beg to differ. You folks ought to get out there and talk, for instance, to the Family Court support staff, who you put directly under attack when you decided to launch your barrage against the public sector, against civil servants, many of them those same court workers. Those court workers will tell you that family courts are understaffed, underresourced, underjudged. This government had an opportunity over the course of the last three years to appoint more judges to the provincial bench, judges who could accommodate the growing caseloads in family court.

Look, understand what has been happening. Litigants, women and men, have been appearing in family court, lining up; I spoke with one who spent a whole day, starting at 9:30 in the morning, and then finally at 4:30 in the afternoon that person's matter was adjourned yet two more weeks because the court had literally run out of time. These two persons, former partners dealing with issues of custody and access, spent a whole day in court with anticipation of having access to a judge to resolve their differences and found it kicked over yet two more weeks. What happened two weeks later? The very same thing. You people have gutted the support system in our courts. Now you try to pretend that your Bill 48 is some sort of panacea for all the ills you created. Nothing could be further from the truth; get with it.

**Mrs McLeod:** I appreciate the comments of my colleagues. The member for Dovercourt began by echoing our sentiments that in and of itself the expansion of the Unified Family Court may be a good thing, but there is a certain skepticism that members on this side of the House bring to any initiative of the government which purports to be an improvement to services when what we really see is yet another reorganization effort without any real funding behind it.

The member for Durham-York, in her comments, added to my sense of skepticism, because she addressed the issue that this is all about greater efficiencies. That's my whole concern: Everything the government does is about achieving cost-cutting through greater efficiencies; it's not actually about the improvement of services. Yet every act they bring forward tries to pretend that it's about the improvement of services. There's almost no act that this government has brought forward that doesn't claim to be an improvement of services.

The member for Durham-York touched on alternative dispute resolution. This is a very important, relatively new initiative in the justice system. But my goodness, it's supposed to be about finding more constructive, consensual ways of avoiding conflict in the justice system. It's particularly applicable in a field like divorce and separation proceedings, where if people can go into alternative dispute resolution, they may still separate but they may reach an agreement, particularly an agreement which is beneficial to any children involved in that.

Alternative dispute resolution is not about a way of saving money, and yet when this government talks about it, they want it yet again to be a source of efficiencies so that they can save some of the costs of the court. They absolutely refuse to look at problems that indeed are the result of lack of resources to meet a very real need. If this government is serious about improving access to justice, they'll look at real financial needs and how to respond with more than a reorganization.

**The Acting Speaker:** Further debate.

**Mr Silipo:** I'm pleased to have the chance to join in this debate and to say, as my colleague from Welland-Thorold said earlier, that when we look at this bill, generally we think there are some good things; we're supportive. We have, however, some important concerns that we've discussed a little bit here this evening that we need to be addressing.

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When we talk about the issue of the Unified Family Court, one of the points that has been going through this whole debate and that was part of the first day of discussion as well as very much the importance of this court as a part of our judicial system in the province and the fact that this model was established some 30 years ago by now Chief Justice McMurtry, the then Attorney General of the province.

We expanded this concept that was started, as you may well know, Speaker, in the Hamilton area. When I was part of the NDP government, our government expanded the concept and the locations to include the Kingston, Napanee, Barrie and London areas. We believed, as I think those with expertise in the system and people generally believed and saw with experience over time, that having a Unified Family Court made a lot of sense. It made a lot of practical sense in terms of people getting their family law issues dealt with in a much better way than they had before. But more importantly than the issue of speed and the issue of efficiency, people came to know the Unified Family Court, in those areas where they have

been functioning, as a place where there was and has built up over the years a very good amount of judicial expertise, with all of the supports that are there in the court to help deal with and resolve the whole variety of family law issues, whether they are questions of custody and access or whether they deal with even more complex, in my view, issues of adoptions and access and what you do with those kinds of very delicate situations. Included in that was also the whole issue of how to deal with young offenders.

There has developed over the years that system of judicial decision-making which really has served the province well and has served the people of Ontario well. If what we are talking about through this legislation is expanding that concept, having in this bill enabling legislation that allows for that model to be provided in other places, as the government sees fit to provide both the money and the other resources that are necessary to expand these facilities and this approach throughout the province, then of course we would have nothing but good things to say about that.

We would certainly go on to say that it's important that those structures and those supports include not just the physical building and of course the judges, but the support system around the court system, because without that, the enforcement mechanisms disappear. Without the enforcement mechanisms, you can have all the expertise you want in terms of the decisions that are being made, but if they are not carried through, or if they are not able to be carried through in a way that supports people in that decision-making that's been reached, then quite frankly it doesn't work and it will break down.

I want to come back to one of the two basic points that we want to continue to make on this bill, which is the issue of the expertise that has developed. Part of why this Unified Family Court system has worked, in my view and in our view, as well as it has is because we have built this expertise within the judiciary over the years. So when we raise this issue and we say that we are concerned that the notion of efficiency that this government wants to push, which often, as it turns out, is not efficiency but simply another way of cutting — but even to grant it, the notion of efficiency that they want to push — while that has merit in terms of looking at restructuring the court system, in this case the Unified Family Court, and expanding that, our concern is that this not be used to dilute the level of expertise that we have built in this area of law and that we quite frankly believe is essential to continue.

I know my colleague from Welland-Thorold touched on this. I know my colleague from London Centre went on at some length about this in her statement to the House the other day, because she, like I and like those of us on this side, is concerned that this is something that is not lost in the mix and in the discussion. Why is it so important? It is important because, as I said, that level of expertise is what has made the Unified Family Court system work.

My colleague from London Centre put on the record the assurances she received from the Attorney General and Chief Justice LeSage indicating that there would not be an

intent to dilute that expertise. When we look at the legislation and when it talks about the senior regional judges being in charge of appointing judges to the sittings — the member for Cambridge talked about this in his comments — and that also allowing for the rotation of judges within each of the regions from the other branches of the courts, that, you could see, causes us some concern. I was glad to hear from the comments of my colleague from London Centre that this was an issue she has received some assurances about, but I think that's something we need to continue to discuss. We need to perhaps look at some amendments that might ease not just our sense of comfort on that but indeed the sense of comfort of people who have come to know and use the Unified Family Court system over the years.

Even this evening, in the discussion and debate that we've had tonight, the member for Cambridge on this point said words to the effect that "most" judges hearing a case in the Unified Family Court would be people who are specialists in those areas. He talked about "most." That obviously means not all. The point I want to reiterate here tonight is that I think it should be all, because that, as I said, has been at the heart of what has made the Unified Family Court system work. That doesn't mean you cannot have other judges brought in as necessary, but I would say those judges, if they are going to be brought in, have to be there for a period of time sufficient that they themselves develop that expertise. They also have to come to that area with some significant background in the areas of family law and not simply because they happen to be the ones who can get slotted in for that day.

We are talking here not just about decisions that at the end of the day affect people's pocketbooks, as might be the case in many civil cases. We are talking here about decisions that will affect people's lives in terms of the relationships they have as former spouses vis-à-vis their children, in terms of custody and access situations as they deal with the very delicate issue of access and adoption. You have that whole array of issues that affect human relations and the day-to-day relations that, whether we like it or not, continue to break down in even greater numbers in the society we live in.

Therefore, they require that kind of level of understanding and expertise of judges who have spent a significant amount of time in the area as practising lawyers and, more significantly, once they get to the bench, decide to devote themselves to that particular area of law. That's the way in which they can build the understanding, they can build the sensitivity, and they can build up the kind of knowledge that's going to allow them to make decisions that will make sense for the individuals, that will continue to make the notion of the best interests of the child a real, living notion and a real, living practical tool to make decisions by, as opposed to the fact that they have to make a decision at the end of the day that may please one party more than the other.

I had the opportunity before coming to this chamber to spend a bit of time in practice, and a little bit of that primarily within the family law area. As any lawyer who



has practised in this area, I came away continuing to scratch my head at the number of ways in which people, for whatever reasons, are able to use and abuse each other, the whole issue of custody and access when it comes to children. There are more examples than I would ever want to cite in terms of the kinds of experiences that I've seen, even in my short time practising, of people not necessarily approaching the issue of what happens after there has been a marital breakdown or a relationship breakdown in terms of how you deal with children and trying to make a distinction in the fact that whatever differences there have been between the partners should be separated from the approach to the children.

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Those kinds of things are very difficult, and they're even more difficult for the judiciary, which is given the very tough decision to try to sort those things out when all other avenues, including mediation, including all the other efforts the lawyers might be able to make to try to resolve those issues, when all those things have broken down and you get to the point where a judge is asked to make a decision about which parent will have custody, which parent will have access, to what degree that will be exercised and how it will be exercised. These are not easy things. Quite frankly, if there is one area of the law where we want to invest, and need to invest a lot of attention, it's certainly this one.

In another fairly delicate area I have seen the difference between — and again, I don't come at this as any kind of great expert, but if I can give you these simple anecdotes, then imagine how much more exists out there in terms of people who have actually spent many more years in the area than I had the opportunity or the choice to.

In terms of judges who have had to deal with the very delicate issue of what you do in dealing with adoption, when the laws of Ontario say you are supposed to cut off access to the birth parents in order to place children for adoption, what do you do when, as a judge, as you look at the best interests test and you apply that best interests test, your conclusion is that the best interests of the children would be served by, yes, placing the children for adoption, but at the same time not severing the relationship that still remains with the birth parents?

Not very easy decisions, but decisions which I have seen family court judges make, and I have also seen decisions like that overturned by other judges who, yes, were higher in the echelons of the structure of the court and so were fully within their rights and purview and privileges and jurisdiction to make those decisions, but also judges who were not as well in tune, in my humble opinion, with the notion of the best interests of the child test as it pertained to those situations.

I come at this with a view that says this is an area of the law, as I said before, where I want to see us not have it driven by what is the most efficient, if that means how we can spend less money, but by what is going to work the best, what is going to make more sense, what is going to make it easier for these very difficult human relationship questions to be judged, to be determined, to be weighed.

One of the major criteria for me is to have in that system, among the many things we need, a judiciary that's well versed, well prepared, well understanding of the very delicate issues they are dealing with. To me, the notion of saying most judges in this area are going to be people who are specialists is not quite good enough. So this is an issue I am going to follow, even though I may not be in committee when this bill goes through, but I will certainly want to see it resolved in a way that the legislation is actually addressing that in a more direct way.

There is another area we have some concerns about. I could go on about that first point at even greater length, but I want to touch on this other issue of the Young Offenders Act and the removal, by virtue of this bill, of the young offenders jurisdiction or area from the Unified Family Court.

I come at this with some concern. I am prepared to listen to the discussion. I haven't heard a lot tonight from the government side about the rationale for this in any great detail. It's something that I think we need to weigh fairly carefully, and need to have the kind of detailed discussion in committee that we can have of this, to hear from people who deal with this on more of a day-to-day basis.

I am concerned. I look at this whole issue of how we deal with young offenders and I am prepared — in fact I think we have to be prepared — to be fairly tough with people who offend in serious situations, who are serious offenders. I apply that rule whether they are young offenders or whether they are adults. But I believe it is also and primarily fundamental for us to know that the whole point and the whole premise of the young offenders approach, that is, of having them in this case part of the Unified Family Court, of having a separate approach, a separate way of dealing with young people who offend in one way or another, is because we believe there's got to be a way in which they can be helped to get out of that pattern of behaviour, or to get out of that behaviour before it becomes a pattern.

My concern here, as I watch this government act in this area and in other areas related to the whole criminal justice system, the young offenders system being just one part of that, is that they tend to want to put much more of a shift on punishment rather than on rehabilitation. I don't think the issue is that we need to choose one over the other. Obviously some form of punishment is appropriate, is necessary, but surely, if nowhere else then certainly when it comes to young offenders, we want to make sure that, at least for the majority of young offenders, when they end up being in trouble they do not get in trouble because of very serious offences, relatively speaking.

For those young people, the primary approach we take is yes, an appropriate form of punishment for the offence they have committed, but also rehabilitation, that is, getting them to understand that their behaviour is wrong and helping them through a process that will help them to change their behaviour so that they do not become repeat offenders. The earlier we do that, the better. The sooner we are able to intervene, the better our chances will be

that those young people will not begin to see themselves back in the court system and back in the justice system as repeat offenders. That has got to be the way we deal with it.

Yes, it means having some clear rules, having some tough rules even, but it means then that the system has got to have as its primary approach one that says we're going to work with these young people to help them get out of this pattern. When I see this government moving towards boot camps, moving towards that kind of approach, I worry, because all that kind of stuff does is give an impression, give an image that maybe somebody is getting tough on crime, somebody is trying to do something. But at the end of the day it doesn't resolve the problem one iota; it doesn't do anything to help those young people understand that the behaviour is wrong and that the behaviour has to be changed. Again, not as the only answer but as part of the answer, what you need in that area is to have a judiciary that's well versed in how to deal with those kinds of situations. There I have a concern with moving the young offenders sections out of the Unified Family Court.

Those are just a couple of the concerns. Time allowing, we could get into greater detail. I understood when the member for Cambridge talked earlier about how part of the problem here is that of the 22 new judges Ontario requested of the federal government only 17 were appointed to the Unified Family Court here in Ontario. I have stood on my feet on more than one occasion and been critical of the Liberal federal government, as I have been critical of the provincial Liberal caucus when I felt it appropriate. I want to say in this case that may be a legitimate complaint on the part of the government, and I would share that, but I would not want to see the government use that as the reason for saying, "Therefore we have to move into this restructuring of the court system," because one does not really deal with the other.

Again, there is a good rationale for expanding the concept of the Unified Family Court. Yes, I am prepared to see the flexibility that the government seems to indicate they need to see here, but there have to be assurances much stronger than we have in the current bill that the level of expertise we have built up over the years in the judiciary as one main piece of providing this quality service and this quality decision-making in the unified family system is not lost and is maintained in whatever restructuring of this system, and this court system particularly, we do from here on in.

#### **The Acting Speaker: Comments?**

2120

**Mr Galt:** I enjoyed the presentation that was just made by the member for Dovercourt, a very impassioned presentation, and obviously he's one who's very concerned about this issue. I get the feeling he likes the idea in general but certainly identifies some problems in the bill.

The bill is there to improve court services and expand the family court. He talked about it working in the best possible way for all concerned but didn't seem to have quite the concern about the efficiency that maybe our

government has. I don't think we can lose track and lose sight of the fact that it does have to be efficient as we go through our court system. We can't just let any particular issue or anything before the court occupy all the time or get totally carried away.

I noticed he talked quite a bit about young offenders. It's rather interesting at this point in time, when he's talking about young offenders, that they had a very extensive write-up in the recent media about some of the teenaged gangs — at least I would assume they're teenaged gangs; that was my understanding — here in the city of Toronto. There's an extremely large number of these gangs, young offenders who are doing various things to society and to themselves.

He worries a bit about boot camps, as he refers to the strict discipline facilities. At least it is one approach to try to do something about it. If we look at the behavioural problem that he made many references to, we're really not changing the direction. If anything, we're continuing to evolve with more and more of these behavioural problems of our young people. We have to have some different approach, look at it differently. Maybe this isn't the perfect one that this government is going about, but it is a change in direction, it is something that we're trying and I believe it's one that will work.

**Mr Michael Brown:** I appreciated very much the intervention made by the member for Dovercourt. I thought his practical experience in the courts added much to the debate.

I am, however, again concerned that as we talk about efficiencies, as we talk about making things work better, it's, "Work better for who?" Who it needs to work better for, obviously, are the families and the children in Ontario. Not always does spending less money and doing things more efficiently do more things for the children and the families of Ontario. It would be nice if we didn't need to have any of these courts, but the fact is that we have these matters to deal with, and society has to do it, focusing particularly on the children and the family in general.

It seems to me what is not talked about enough is the access to justice that's being denied. Again I have to bring to the government's attention the matter of having justices of the peace, for example, in places like Elliot Lake and Chapleau, places where the police and the community need a justice of the peace who is readily available on a 24-hour basis in these communities. It's not happening. It has caused great disruption. The efficiency of not having one has cost people literally hundreds of dollars as they tried to appear for courts that didn't happen because the justice of the peace didn't appear. Those sorts of issues, while they may be very efficient for the government, are very costly to the people of Ontario.

I would also like to reiterate the need for a crown attorney in the district of Manitoulin. We've been without one for almost four years.

**Mr Kormos:** Tony Silipo, the member for Dovercourt, said that this government wants to talk about efficiency,



but really Tony Silipo has talked about how you generate efficiencies:

(1) You ensure that litigants have access to competent lawyers. I question what this government has done in that regard, especially as we fear their defunding of the legal aid plan.

(2) You need support staff in our courts so that the courts can function, receive the paperwork, process it and deal with the incredible number of litigants waiting for their day in court. This government hasn't done that. This government has cut the court staff available in family courts and other courts across this province.

(3) You need judges. You need judges who don't have dockets that are overflowing, don't have dockets that keep them in court until 5:30 or 6 at night so that they still have a remnant that has to be adjourned to some distant time in the future. You need sufficient judges so that they can hear arguments and entertain the debate over evidence that occurs in court and make decisions that are judicious and careful, as the vast majority of, if not all, judges want to.

This government hasn't done that either. The reality is that the Unified Family Court, a concept which doesn't have its origins with this government, which had its origins with the previous government, one which everybody endorses, isn't going to work without the support it needs. It'll be a Unified Family Court in name, but in reality there will be the same backlogs, there will be the same sausage factory justice, there will be the same frustration and anger and despair that flows.

If this government isn't going to fund legal aid so litigants can have adequate, competent counsel, and if it's not going to fund the court system with staffing and

facilities, then Unified Family Court isn't going to create any efficiencies whatsoever.

**The Acting Speaker:** To finish questions and comments, the member for Dovercourt.

**Mr Silipo:** I appreciated the comments from members across. I think my colleague from Welland-Thorold really said it when he said this is not a choice between efficiency on the one hand and non-efficiency on the other. In order to have an efficient system, you need to have among other things — the point I expressed a lot during my comments — the expertise of a judiciary that's well versed in the issues of family law. Particularly when you're dealing with young offenders, what's one of the basic things you find that leads young offenders to the problems they find themselves in? It's usually some family-related problem. It's incumbent, therefore, that that expertise continues with the supports that are there, if the supports are there, because if those aren't there then even the best and most knowledgeable judicial expertise will not resolve the problems.

I look forward to the discussion on this bill as it goes through committee. Yes, we come at it saying there are some useful things here, because the concept of a Unified Family Court is something that not only have we supported, but in fact we were the government that expanded that. But we want to make sure that those concerns around maintaining that expertise remain in the system and remain certainly in this bill as it goes through.

**The Acting Speaker:** It being almost 9:30 of the clock, the House stands adjourned until 1:30 tomorrow afternoon.

*The House adjourned at 2128.*

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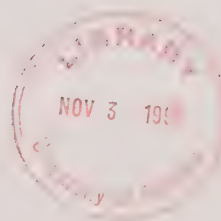
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# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 27 October 1998

Mardi 27 octobre 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 27 October 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 27 octobre 1998

*The House met at 1330.*

*Prayers.*

### MEMBERS' STATEMENTS

#### VICTORIAN ORDER OF NURSES

**Mr John C. Cleary (Cornwall):** It is with concern for quality community health care services in eastern Ontario that I rise today.

Over a month ago, 175 nurses with the VON, including 63 registered nurses from the Cornwall VON branch, were locked out. These nurses provide nursing care to 3,000 acute and chronically ill patients in Stormont, Dundas and Glengarry, and Prescott-Russell.

According to the VON nurses, the current situation is a consequence of the government's health care reform policies, including the closing of hospitals without adequate reinvestment in the community care sector as well as continued underfunding for home nursing care. Further, they note that due to the province's introduction of competition in the home health care field, concessions are needed to compete for contracts against for-profit agencies.

The VON nurses in my area emphasize that community nursing, like hospital nursing, should be declared an essential service and are asking the Minister of Health, Elizabeth Witmer, to take a leadership role.

Many residents in my area depend on the VON nursing provided, and on behalf of the nurses of eastern Ontario I call upon the Harris government to act to ensure the preservation of quality community health care.

#### WORKERS' COMPENSATION

**Mr Wayne Lessard (Windsor-Riverside):** Speaker, you'll recall that in December of last year I raised the case of Bud Jimmerfield, who was being denied workers' compensation for his claim for cancer of the esophagus. I'm pleased to announce that the Workplace Safety and Insurance Board did finally grant Bud Jimmerfield's claim. This was a clear recognition that long-term exposure to metal-cutting fluids can result in cancer of the esophagus. Although this is a victory for Mrs Diane Jimmerfield and her eight children, it isn't going to bring Bud Jimmerfield back, because he died in January of this year.

My question to this government is, how many more workers need to suffer the ravages of cancer caused by exposure to metal-cutting fluids? How many families need to lose a loved one before this government takes action? We're calling on this government to immediately reduce the exposure limits to metal-cutting fluids below the standard of five micrograms per cubic metre. They need to do that immediately.

When will this government take action to protect the workers from exposure to metal-cutting fluids, from exposure to cancer-causing agents in our workplace? How many more workers are going to have to suffer and die? We cannot wait. We need this government to take action today.

#### COMMUNITY CARE ACCESS CENTRES

**Mr Allan K. McLean (Simcoe East):** Today I am pleased to have this opportunity to remind the members of this House of the tremendous work this government has done and the tremendous accomplishments we have achieved.

In my riding of Simcoe East, I have only to look at the community care access centres and their services to the people of Simcoe county. We recognized that Ontario clearly said they wanted a single point of entry to the services of over 1,700 agencies involved in community care. In March 1997, Bob Morton, CEO of the Simcoe County CCAC, said that these services would help people stay in their homes and out of institutions as they face health changes. I agree with him.

Last week, the Minister of Long-Term Care with responsibility for seniors, my colleague Cam Jackson, notified the Simcoe County CCAC that they would receive an additional \$2.3 million to meet the increased demand for visiting nursing, therapy and homemaking services.

As a government, we recognized a need for change in our health care system. We recognized a need for greater community health services. We recognized that new techniques meant shorter stays in hospitals. We recognized a need to provide more home care support. Yes, we recognized a need for more long-term-care beds in our communities. I have seen the benefits of these changes in my riding and I applaud our government for the support they have shown.

I congratulate the work of the CCAC in Simcoe county.



### TRAFFIC CONTROL

**Mr Mike Colle (Oakwood):** Premier Mike Harris continues to stall and make excuses as Ontario citizens are forced to risk their lives daily at high-collision intersections throughout this province. Motorists and pedestrians alike are being forced to play Russian roulette at these killer intersections because of red light runners.

Every week the Premier and his Minister of Transportation come up with new excuses for doing nothing. They claim it's too expensive; they claim it violates privacy; they claim the technology doesn't work. These excuses have been coming from Mike Harris for the last three years. I ask, how much is a human life worth? What about the privacy of the accident victims as they are thrown from a T-boned car as the result of a red light runner?

Red light cameras have been used in Australia since 1983 and work fine. They've saved lives there. The cameras are saving lives and reducing accidents in London, England; New York City; California, and even the province of Alberta is about to pass a red light camera bill. Anyway, it's time for action, because citizens all across this province, like Mr Roger Laporte of Cumberland, Ontario, are demanding an answer to stalling and excuses.

Mr Premier, it's about time to put safety first. It's time to think of the innocent victims of red light runners and allow the installation of red light cameras. Stop the excuses and delays. The people of Ontario want red light cameras now.

1340

### SCHOOL CLOSURES

**Mr David Christopherson (Hamilton Centre):** I rise again to support publicly and acknowledge the job of the Hamilton-Wentworth public school board in my community. It was only a couple of short years ago that the board said no to the Mike Harris government in terms of shutting down our junior kindergarten system and imposed a marginally higher tax increase as a result to maintain that. I publicly stood here in my place and complimented them on that and I do again for the decision they have now made where they have said no to the Mike Harris government in terms of your arbitrary undemocratic deadline for shutting down upwards of 30 schools in my community.

I would extend an invitation to other communities that are facing the same dilemma and facing the same choices, the few choices that this government leaves, to join with Hamilton-Wentworth and say no to this arbitrary deadline. If everybody stuck together, there wouldn't be a deadline any more. That policy would die on the vine.

I want to particularly compliment Ray Mulholland of the individual trustees who said that the 18-month process that we have locally to consider closing down schools is far more important than the financial threats of this government. Even though my colleague from Hamilton West says they can do it much quicker, I want to say that I think they need as much time as possible to allow for community input, community consideration, community decision-

making, rather than the education czar making the decisions for them.

### SENIOR CITIZENS' HOUSING

**Mr Douglas B. Ford (Etobicoke-Humber):** Just over a week ago, I had the pleasure of attending a special groundbreaking ceremony in my riding. Central Park Lodges were unveiling their new site location in Etobicoke for the Kingsway Retirement Residence. I was pleased to take part in this special day. I believe the new Kingsway Retirement Residence, when completed, will make an exceptional addition to our community.

It is very important for seniors to feel they are living in a positive environment. I'm sure this 85,000-square-foot, \$8-million investment to our community will definitely help to foster this positive environment for seniors enjoying their retirement years.

I understand that Central Park Lodges operate 62 seniors facilities across the country, with a total of 130 operations across North America. I am thrilled that Central Park Lodges has chosen the Etobicoke community for this special investment. I know that many Etobicoke seniors present on the day of the groundbreaking also expressed their enthusiasm for having the opportunity to retire in the community they love.

I thank Central Park Lodges for bringing this special project to the Etobicoke community and congratulate them on helping to demonstrate that jobs, hope, growth and opportunity have certainly returned to Etobicoke and to Ontario.

### EDUCATION FUNDING

**Mrs Lyn McLeod (Fort William):** The Mike Harris government just can't seem to learn a lesson. They made a mess out of their decision to spend \$100 million on new textbooks. The government was in such a hurry to get photo opportunities for their MPPs that they rushed the publisher to get the books on the list and then they gave teachers only 10 days to choose the books for their classroom. The books were produced so fast that some have even been found to have erasable ink.

Now they're doing it again. Kindergarten teachers are being given one week to buy their supplies from a government-approved list. There's \$7 million to be spent on kindergarten computer supplies — this is the money left over from last spring's spending — and again, the schools have been given only a week to make the decisions.

What's the excuse for the rush this time? The students are already in school. There's no back-to-school photo opportunity left for the MPPs over there. This time, giving teachers only a week to spend millions of dollars is the fault, plain and simple, of mismanagement by a government that has no concern for what's actually good for education and for students.

The announcement of the new textbooks will undoubtedly be in big, bold print in their campaign brochures. The fact that \$100 million in needed money for textbooks is

being spent wastefully doesn't seem to bother them very much. It bothers the kindergarten teacher who wrote to me yesterday. She says:

"This past week, kindergarten teachers were presented with choosing materials for their classrooms under ridiculous conditions.... We had to meet hastily and choose among materials we hardly knew anything about. In my school we chose a set of books which will probably not survive their third handling by the kids (poor bindings). This is a scandal."

That's how the government spends \$100 million.

## MUNICIPAL RESTRUCTURING

**Ms Shelley Martel (Sudbury East):** The Harris government's bungling of the download to municipalities just goes on and on. The regional municipality of Sudbury now has two different versions of how provincial offences revenue will be transferred to the community.

On the one hand, on March 31, the Minister of Municipal Affairs credited the regional government with \$1.9 million. This was the money which would be received from the transfer of provincial offences revenue from the province to the municipality. Better still, the minister used the \$1.9 million to offset the cost of the services which were being dumped on to the regional government. There were absolutely no conditions attached to receipt of the money from the Conservative government.

On the other hand, in early July, the Attorney General told the region that no provincial offences revenue would be given to the community until an intermunicipal service agreement has been signed at the local level. This involves negotiations between the region and the municipalities in the area served by our courts on how provincial offences will be administered and the revenue divided up. The Attorney General's office must approve the agreement before any money will be given to our community.

This position completely contradicts the government's earlier position. It sets out conditions for funding where none existed before. Most importantly, it leaves our region with a \$1.9-million budget shortfall, a shortfall this government promised we would not have.

A meeting on October 14 between the region and officials from the Attorney General's office did not resolve the issue. The question remains, who is the region to believe, the Attorney General or the Minister of Municipal Affairs, and who will pick up our \$1.9-million shortfall?

## MARIA MURTINHEIRA

**Mr Bob Wood (London South):** I rise today to pay tribute to one of my constituents, Mrs Maria Murtinheira, who turned 103 years of age on Monday, October 26. It was my pleasure last Sunday to personally wish her feliz aniversario. Mrs Murtinheira was born in Portugal in 1895. She was married for 30 years and she and her husband had four children. She immigrated to Canada in 1973 at age 78. She settled in London, Ontario, where she is able to be close to her family and enjoy her grandchildren

and great-grandchildren. Although confined to a wheelchair for the last four years, she still enjoys the company of her family and friends.

Mrs Murtinheira personifies many of the qualities that make this province great: perseverance, devotion to family and a willingness to take on new challenges. She brings the proud traditions of a great country to Ontario and makes all of us richer by doing so. I ask all members of the House to join me in wishing an outstanding Ontarian a happy 103rd birthday.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Ms Annamarie Castrilli (Downsview):** I beg leave to present a report from the standing committee on social development and move its adoption.

**Clerk at the Table (Mr Todd Decker):** Your committee begs to report the following bill, as amended:

Bill 18, An Act to protect Children involved in Prostitution / Projet de loi 18, Loi visant à protéger les enfants qui se livrent à la prostitution.

**The Speaker (Hon Chris Stockwell):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

## VISITORS

**Mr Gerry Martiniuk (Cambridge):** On a point of order, Mr Speaker: I'd like to recognize three municipal representatives from the city of Kyiv in the state of Ukraine: Mrs Tatyana Melikhova, Yuri Profirenko and Serhiy Lublin.

**The Speaker (Hon Chris Stockwell):** Welcome. It wasn't a point of order but certainly a point of interest, particularly the pronunciation.

1350

## ORAL QUESTIONS

### HEALTH CARE FUNDING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Deputy Premier. Today your Premier and Minister of Health are parading themselves around various parts of the province in an effort to create the impression that somehow all is well when it comes to health care in Ontario.

I want to tell you some real-life stories about real people in Ontario and their experience with health care.

Mr Barry Dunn, 62 years of age: He went to a hospital in Wawa. He waited an hour and a half to see a doctor. He needed an ICU bed. They said there was no hospital in the



province that had a bed for him. He was sent to Duluth, Minnesota. He was transported there. That transportation took four hours. He died a short time later. His wife Barbara blames the cutbacks to hospital funding in this province. She says: "It's terrible. It can't be any worse, but it seems to be getting worse."

Deputy Premier, you and your Premier say that hospital and health care cuts are making things better. Tell me, how did your cuts help improve things for Mr Dunn?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I am obviously not going to comment on a particular case, but I can say I think everybody has acknowledged that the health care system in Ontario was in need of restructuring. Your own comments on several occasions have indicated that. Your Minister of Health when you were in government, Elinor Caplan, indicated that. So did the NDP indicate that when they were in government.

Obviously, in any transition from an acute care system to one that focuses also on long-term care — which, by the way, everybody talked about for many years but nobody did anything about — there's going to be a transitional phase.

This year this government will be spending \$18.7 billion on health care in Ontario, \$1.3 billion more than was being spent when we assumed office. I suppose one could argue that we're not spending enough money. That argument is always there. But we are spending close to \$19 billion this year on health care as we go through this transitional restructuring phase.

**Mr McGuinty:** Deputy Premier, you keep talking about restructuring and I'll keep talking about people.

Here is Mrs Kaneshakumar, 35 years of age, eight months pregnant. She experiences a brain hemorrhage at her home in Scarborough. She needs a neurosurgery bed and she needs it immediately. They make 21 phone calls to different hospitals in the province. They can't find any, except they find a bed at the Hamilton General. She is transported by road when she should have been transported by air.

Four hours after being admitted to the Hamilton General Hospital, she dies. She was eight months pregnant. Doctors were able to save her baby. There is now a coroner's inquest being held into this death.

The Premier is out there saying that his restructuring exercise and his cuts are helping Ontarians with their health care. Tell me, how did your cuts and your hospital closures help Mrs Kaneshakumar and her husband and their newborn baby?

**Hon Mr Eves:** The leader of the official opposition may pass judgment on actions of specific health care workers and whether they took the appropriate action in individual cases; I'm not going to do that. I would suggest to him it probably belittles him to do that as well.

What I will say to the leader of the official opposition is, here is his quote from September 22, 1996: "I am convinced there is enough money in the health care system. I don't think we're spending it as effectively as we can."

You thought in 1996, when we were spending about \$1 billion less than we're spending today, that was enough money. Why is it that you don't think \$19 billion today, about \$1 billion more than then, is enough money now?

**Mr McGuinty:** The Premier and the Minister of Health are out there telling us that all is well when it comes to health care in this province. Here are some real-life stories, real-life people, Ontario patients who have been hurt because of cuts and closures. The government may not like to listen to these stories, but the facts are the facts.

*Interjection.*

**The Speaker (Hon Chris Stockwell):** Member for Ottawa Rideau, sit down.

**Mr McGuinty:** Brenda Rantala-Sykes spent 14 hours in the emergency at St Joseph's in Sudbury. She went there because of severe abdominal pain on Saturday, September 26 of this year. She waited six and a half hours before she saw a doctor. She waited unattended until 7 o'clock the next morning. She got up to use the bathroom and she collapsed from exhaustion. She suffered injuries to her face, her neck, her jaw and her right eye, which required stitches.

In a letter to Mike Harris she described him as the cut-back king of Ontario. She says all the while in the emergency ward the nurses were citing Harris's cuts. There was only one doctor in the busy emergency room that night.

You tell me that cuts are improving patient care in Ontario. Tell me, for the third time, how are those cuts helping people like Brenda?

**Hon Mr Eves:** First of all, that's very interesting rhetoric coming from the leader of the official opposition. Why don't you compare your actions when you were in government and those of your federal colleagues in Ottawa with respect to the health care field? You froze the number of long-term-care beds in Ontario in 1988; we've increased them by 20,000. You said during the 1995 election campaign that spending \$17 billion a year on health care in Ontario would be quite sufficient; we're spending almost \$19 billion this year. Now perhaps I know why your federal counterparts in Ottawa have reduced funding to health care in Ontario by \$2.7 billion since 1995. In spite of their almost \$3-billion cut, we are spending \$1.3 billion more today than we were then. If anybody has dropped the ball on health care, it was your government between 1985 and 1990, and it's the government in Ottawa, not the government here in Queen's Park.

**The Speaker:** New question. Leader of the official opposition.

**Mr McGuinty:** My question is to the same minister. Deputy Premier, you made your choices. Your priorities are perfectly clear. You decided that a tax cut was more important than protecting health care for Ontarians. That's perfectly clear for all to see.

Here's another case. You may not like to listen to them, but here they are. Mr Kaihla, 67 years of age, died January 20, 1997. His son, Paul, a case I brought up in this House before, was outraged at the lack of care during his

father's stay at a hospital in Sault Ste Marie. He cites finding his father tied to a chair, being left in the dark and unfed because of a shortage of nursing care. The hospital informed him that he really should be hiring a private duty nurse because they couldn't meet the demand. He said, "I will forever be haunted by images of my father in the hospital."

Once again, Deputy Premier, you tell us that your cuts, your hospital closures are helping Ontarians find their health care needs. Tell me, how did your cuts and your hospital closures help Mr Kaihla and his family?

**Hon Mr Eves:** Again, I'm not going to comment on specific cases. I don't believe it's appropriate; he believes it is.

I do want to point out what your government did, though, when you were in power. You eliminated almost 10,000 beds from the system without closing a single institution. Anybody knows that doesn't make any sense. And here's Dalton McGuinty, from December 3, 1996, "I would, as an overriding objective — improvement of our health care system — a component of that might be the closure of a hospital." So quit flip-flopping back and forth. You closed 10,000 beds when you were in government. You say it may be necessary to close hospitals. Now you stand up saying: "You shouldn't close hospitals. I never said that."

**Mr McGuinty:** Mr Whitehill, 82 years of age, was found dead on a stretcher in the hallway at Peterborough Civic Hospital. He was transported to the Civic at 9 am on February 4, 1997. There was no bed available for him. He was left in a hallway. The next day his daughter found him dead on his stretcher. Nobody at the hospital had realized that this man had died. Susan Kellar, the daughter, says, "Of course I blame the government."

Deputy Premier, you say your cuts to health care and your hospital closures are improving health care for Ontarians. Tell me, how did those cuts and how did those hospital closures help Mr Whitehill?

**Hon Mr Eves:** For the fourth time today, we have not cut health care spending. Your federal colleagues in Ottawa have cut almost \$3 billion of health care transfers to Ontario since 1995. We have increased health care spending by \$1.3 billion since 1995. Those are the facts. I know you find them difficult to accept. I know your former leader thought it would be quite sufficient to spend \$17 billion a year on health care, almost \$2 billion less than we're spending this year, but those aren't our priorities, those were your priorities.

**Mr McGuinty:** If everybody in Ontario buys that, then why are the Premier and the Minister of Health out there running some dog-and-pony show, trying to convince Ontarians by means of photo ops and God knows what else that they really, truly and honestly care about health care? Stay home and relax. The next election is yours. Everybody loves you, and they can't believe how good a job you're doing in health care.

Understand this: Mr Barry Dunn and Mrs Kaneshakumar —

*Interjection.*

1400

**The Speaker:** Member for Ottawa-Rideau, I'm not warning you again. Come to order.

**Mr McGuinty:** I have raised real-life stories with you once again today in this Legislature. These are stories of real people who have experienced in a very real way the impact of your cuts to health care and your hospital closures.

What have you done in the face of that? Today you announced that you are going to close the Hotel Dieu in St Catharines. You haven't learned from your experience. People are suffering in a very direct way as a result of your cuts and your hospital closures.

Why don't you admit now, for the first time, that you have been terribly mistaken when it comes to managing health care in Ontario and that you're going to back away from your hospital closures and your hospital cuts because you understand that you have failed to meet the basic needs of Ontario patients?

**Hon Mr Eves:** First of all, we have not announced anything about Hotel Dieu Hospital in St Catharines today. The Health Services Restructuring Commission has filed its recommendation.

*Interjections.*

**The Speaker:** Minister.

**Hon Mr Eves:** I understand that it's in his best political interest to fearmonger. Perhaps he should tell us what he would do differently. We know what his government did when they were there. We know they eliminated 10,000 acute care beds from the system. We know that you didn't spend any money on long-term care. We know all of that.

I want to give you a quote from Northwest Newsweek on Thunder Bay TV on October 4 of this year: "Watch and see." That is what Liberal leader Dalton McGuinty is telling the voters about his party's health care policy. He says health care is his number one priority, but he wouldn't reveal any details about the Liberals' policy."

Exactly. Are they the same priorities as your federal cousins in Ottawa, to cut \$3 billion from the health care system?

#### SPECIAL EDUCATION

**Mr Tony Silipo (Dovercourt):** My question is to the Minister of Education and Training. You continue to insist in this House and elsewhere that you will have money and are continuing to flow money for special education programs. We've got news for you: The money from your new grant, the intensive support amount or ISA, is not flowing. The boards are still waiting, the parents are still waiting and, most important, the students are still waiting.

We're hearing stories from groups like the Coalition for Inclusive Education about students who are being left without supports, being sent home or being kept out of school altogether. We've heard from parents in Tillsonburg, in Kingston and in Halton whose children are not getting the services they were getting in the past. Minister, when are you going to keep your promise and flow the



money, or are you, like your colleague before you, the Minister of Health, waiting for the Premier to tell you to cut the cheque and deliver the cheque?

**Hon David Johnson (Minister of Education and Training):** The \$1.052 billion in special education monies which this government for the first time set aside for special education is flowing. The September instalment, 13% of the total amount, has flowed to the boards. Another 8% has flowed to the boards in October. That's about 21% of the total monies. Over \$200 million in support for special education has flowed to the individual boards across Ontario. A portion of that, a little under \$100 million, is for the intensive support amount and the remainder, bringing it up to over \$200 million, is the base grant to special education. Those monies have been flowing since September. The next instalment is in the middle of November and more monies will be flowed in November.

**Mr Silipo:** Minister, since you won't admit it here, let me tell you why in fact that money is not flowing. Yes, you have tied that billion dollars in the formula, but the problem is that you have made these grants, which as you know are supposed to be tied to the individual needs of students, subject to your mitigation factor. What that means, in case it hasn't been explained to you, is that school boards lose funding from other areas of their budget if their special education expenses increase by more than 4% over last year. It's no longer a grant that's flowing to meet individual needs; it's tied into your funding formula, to that 4% cap. You're playing a cruel shell game with parents and children. Minister, do you expect parents to accept that or are you going to change your mitigation factor as it applies to the funding formula so that these children can get the programs and the funding they need?

**Hon David Johnson:** I think the member opposite is somewhat confused. That \$1.052 billion is not subject to any mitigation. Those monies are earmarked solely for special education. They cannot be used anywhere else other than for special education. Those monies were allocated for special education. There will be a requirement of the boards to report at the end of the year. We have made it clear that every nickel of that money, every nickel of that \$1.052 billion, must be spent on special education.

**The Speaker (Hon Chris Stockwell):** Final supplementary, member for Algoma.

**Mr Bud Wildman (Algoma):** Minister, I want to deal with a specific group of special-needs students who have already suffered government cutbacks. These are children with communication disorders. In many schools they are already losing the services of audiologists, speech pathologists and others who give them the special help they need. After months of trying to get a meeting with the minister, the minister did meet with them last July. They asked the minister for a specific amount of the special ed funding to be mandated for communication disorders. The minister refused and asked them to wait until September to see if their children's needs were being met. Since then the parents haven't heard a word. These parents and their

children are getting a clear message from you with regard to the services they need: They won't get the funding required by communication disorder students. They don't believe they're going to get it. Are they right?

**Hon David Johnson:** The amount of money we have put in for special education and the process we have gone through and are going through allocates sufficient monies to ensure that each and every child gets at least the amount of service received last year, and indeed more. In the funding formula, the speech pathologists, for example, are constituted as part of classroom funding, and that classroom funding has been increased. There is more money for special assistance, such as speech pathologists, in the funding formula. Again, those monies within the classroom must be spent within the classroom.

I would say that if children in certain boards are not getting the service they deserve, I want to know about it. Certainly we've allocated the money, and I would say that the boards are not putting the priorities where they should be putting the priorities, on the children who need those services.

1410

## ONTARIO HYDRO

**Mr Tony Silipo (Dovercourt):** To the Deputy Premier, yesterday your staff told us that Hydro has a stranded debt of \$23 billion and that the nuclear assets are worth close to zero. They also said that hydro rates won't be going up.

Last week we heard, and I know you heard, that Hydro is paying its American nuclear turnaround artist, Mr Carl Andognini, \$1 million a year plus a pension of \$12,500 a month for life. He's supposed to be fixing the nuclear plants, the same nuclear plants that your ministry says are worth nothing. So do you think Hydro is getting its money's worth from Mr Carl Andognini?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** It is not for anybody to comment on whether or not I think Hydro is getting its money's worth from Mr Andognini.

**Mr Bud Wildman (Algoma):** It is not?

**Hon Mr Eves:** No, it is not. They're an independent agency. I have a personal opinion. You could have a personal opinion. My personal opinion wouldn't be any different than yours perhaps.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. Minister.

**Hon Mr Eves:** Getting to the question that he actually asked with some seriousness, I think, and it has a serious aspect to it, which is the value of Genco, a \$5-billion value has been attributed to Genco. I understand there are those who perhaps would agree that's not the appropriate amount. We can discuss that, if he likes, in further supplementaries, but I believe the underlying reason for that was because of the uncertainty of nuclear power in the future. Nobody really knows what costs are going to be involved, how important nuclear power is going to be in

the future, and therefore somebody had to make a judgment call as to what the value of those assets would be many years down the road.

**The Speaker:** Supplementary.

**Mr Wayne Lessard (Windsor-Riverside):** Minister, there's one thing we do know, and that is that you are paying top dollar for your nuclear asset optimization plan, but from what we heard yesterday, the only conclusion we can reach is that the plan isn't working. Your own staff tell us that the nuclear assets aren't worth a plug nickel. That means only one thing, that rates are going to go up. If the nuclear power plants fail, rates are going to go up.

If you don't agree with me, put your money where your mouth is. Will you amend Bill 35, as the NDP tried to do in committee, to try and put some protection in there for consumers from higher rates? The title of the bill says that you're promoting low-cost energy, but the objects of the bill say nothing about low-cost energy for consumers. What are you afraid of? Why don't you take steps to protect consumers from higher hydro rates?

**Hon Mr Eves:** The Minister of Energy will be happy to respond to the question.

**The Speaker:** Minister.

**Hon Jim Wilson (Minister of Energy, Science and Technology):** Certainly all that we're doing in terms of energy reform in this province, electricity reform, is to bring lower rates to consumers. The plan that the Ministry of Finance and the group of experts put forward and presented to you yesterday indicates that prices will remain stable and indeed go down over the next few years as competition is introduced.

The honourable member talked about the nuclear asset optimization plan. All indications are that the plan is proceeding quite well. It did get slowed down a little bit because they had to stop while this Parliament considered the plan, and this Parliament and all parties endorsed the nuclear asset optimization plan after very careful scrutiny in a select committee last December. We're on track. As the units are rehabilitated and come on line, the value of Genco will go up.

**Mr Lessard:** My question is simple. Why don't you put the protection for consumers, for low-cost energy, in the bill? We know that Carl Andognini is raking in big bucks while failing to fix the nuclear problems. Rural and remote consumers are preparing themselves to end up paying the bills. They can expect higher hydro rates because Bill 35 only guarantees them rural rate assistance if they stay in the same house. It fails to guarantee them their current rate of assistance. In other words, their hydro rates can skyrocket.

It leaves you wondering who exactly is going to benefit from Bill 35. Minister, will you amend the legislation, as the NDP tried to do in committee, to guarantee rural and remote residents aren't going to get higher energy bills as a result of Bill 35?

**Hon Mr Wilson:** The honourable member will note in today's media clips that the government clearly instructed the finance experts to make sure they put out a system

where rates would go lower. It's indicated in the press conference yesterday and in the briefing you had.

The bill speaks to lower rates. The Ontario Energy Board is not to approve anything that isn't in the best interests of consumers. I remind people that distribution rates in the province for electricity today are not regulated by anyone. While you were in office and while the Liberals were in office, from 1985 to 1995, electricity rates went up 54%. We went from the best electricity rates in this country to the third highest, just behind PEI and Nova Scotia. Unacceptable.

Anywhere in the world, everywhere that competition has been introduced, in several dozen jurisdictions, prices have come down. Our best guarantee is good, healthy competition. Prices have come down between 8% and 40% around the rest of the world. It's time Ontario lowered its prices and that's the road we're on.

## HOSPITAL RESTRUCTURING

**Mr James J. Bradley (St Catharines):** I have a question for the Deputy Premier. While Mike Harris and Elizabeth Witmer are traipsing around Ontario trying to convince people that the Premier is the friend of our health care system, his hospital destruction commission is slamming the doors shut on Hotel Dieu Hospital in St Catharines, a hospital which has provided a half-century of outstanding medical service to our community.

We have the most elderly population in this province. On all too frequent a basis, we have a crisis in emergency care. Yet Mike Harris's hospital destruction commission has put the boots to the Religious Hospitaliers of St Joseph and those who have worked for that health care facility and its patients for 50 years. In the last provincial election campaign Mike Harris said, "Certainly, I can guarantee you it is not my plan to close hospitals." Minister, how does the closing of Hotel Dieu Hospital in St Catharines fulfil Mike Harris's commitment not to close hospitals?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** As I indicated in response to a previous question, the Ministry of Health received the report from the HSRC the same as everybody else did. As you know, the public and interested stakeholders have 30 days in which to make a case and presentations to the commission. What the honourable member didn't say in his preamble to his question was that the commission also recommended some very significant reinvestments in health care in the Niagara region: \$7.8 million in capital reinvestment and \$55.8 million in program reinvestment, all in the Niagara region. I wonder why the honourable member for St Catharines didn't refer to those aspects of the commission's report today.

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**Mr Bradley:** Minister, over 60,000 people signed a petition demanding that Hotel Dieu Hospital in St Catharines stay open and continue to provide health care service to the residents of Niagara. Thousands have attended rallies in support of Hotel Dieu. I have raised the



spectre of your government waving the axe in the direction of Hotel Dieu in this Legislature in days gone by. Our community has come together to try to save our hospital. Yet Mike Harris's commission, established by Mike Harris under Bill 26, has said that it's lights out for the Hotel Dieu.

The Premier sent a glowing congratulatory message in the form of a scroll to Hotel Dieu full of praise on their 50th anniversary of service to patients this year. Minister, we need the Hotel Dieu. We need the St Catharine's General and we need the Shaver Hospital. Will you now assure the people of St Catharines that the Premier's promise will be kept and that you will not allow Hotel Dieu Hospital to close?

**Hon Mr Eves:** As I said, there will be a 30-day period for people to make exactly those types of submissions to the commission. Having said that, the \$78.4 million for renovation and capital improvement projects includes \$51.8 million for St Catharines General, \$14.7 million for the Shaver Hospital, \$8.2 million for Greater Niagara General and \$3.7 million for the Welland County General. There's another \$55.8 million in reinvestment in programs: \$28.6 million for long-term care, \$7.7 million for mental health services, \$6 million for home care, \$6.3 million for rehabilitation, \$6.3 million for subacute care, and \$900,000 for additional hip-and-knee replacements. Why didn't you object to any of those recommendations and why aren't you bringing them up in question period?

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order, please. I warn the member.

#### HOSPITAL FUNDING

**Mrs Marion Boyd (London Centre):** My question also will have to be to the acting Premier since we all know that the Premier and the Minister of Health and the Minister of Long-Term Care and apparently most of the gallery have all jaunted off to London and other parts west for another pre-election photo op at public expense.

Now the Premier has got his mailbag out and he's delivering a cheque that should have been there months ago and we're asking you, Minister, about what the effect of the cuts to hospitals has been. Your cuts to hospitals mean that 50,000 hospital workers and the Ontario Hospital Association have broken off talks. We are facing the first hospital strike in this province in 17 years.

These are the lowest-paid workers in the hospital sector. They haven't had a wage increase for six years, while hospital CEOs and management salaries have gone up nearly 12% over the last two. Minister, this chaos and bitterness and tension is another result of your decision to cut \$800 million out of hospitals. Fifty-two per cent of them are in debt and it's your responsibility. It's no wonder negotiations have failed.

Minister, will you restore the —

**The Speaker (Hon Chris Stockwell):** Thank you. Minister.

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I refer this question to the Minister of Labour.

**Hon Jim Flaherty (Minister of Labour):** The question relates to the hospital bargaining process that's underway. I'm sure the member opposite is aware that under the Hospital Labour Disputes Arbitration Act the first responsibility is always on the parties to negotiate their own solution, which is the best solution, when the parties themselves negotiate the solution. If that doesn't happen, then we hope the parties can agree to a mediator-arbitrator under the legislation, and then the mediator-arbitrator, through the alternative dispute resolution process, can work with the parties toward a solution. As a last resort, if the parties can't negotiate a solution and if they can't even agree on a mediator-arbitrator, then the legislation provides that the Minister of Labour will appoint someone. Indeed that was done in the case of the Ontario Nurses' Association and Ontario Hospital Association negotiation, involving 40,000 employees earlier this year, successfully resolved by a mediator-arbitrator.

**The Speaker:** Supplementary question.

**Mr David Christopherson (Hamilton Centre):** Minister, I point out to you that one of the big problems in all of this is exactly your new arbitration process. In fact, these workers and their unions have got you in court over this arbitration system. And why? Because it's deemed to be unfair.

In fact, there are a number of judges who have stated they will not act as one of your arbitrators. They are the Honourable Charles Dubin, the Honourable Robert Reid, the Honourable McLeod Craig, the Honourable D.G.E. Thomson and the Honourable K.A. Flanagan, just to name a few. They are supported by the Supreme Court of Canada that said in 1987:

"Our experience with labour relations has shown that the courts, as a general rule, are not the best arbiters of disputes which arise from time to time. Judges do not have the expert knowledge always helpful and sometimes necessary in the resolution of labour problems."

Minister, we had a process that served us well for 17 years and gave us peace in the labour-management process. Will you put back in place that process that served us so well and remove this partisan process that you've rammed down our throats?

**Hon Mr Flaherty:** I certainly don't want to get involved in a legal debate with the member. I'll say this: The compulsory arbitration system in the hospital sector has been in place since 1965. For 33 years this program has been in place whereby the Minister of Labour, if the parties cannot agree on a resolution of their dispute or cannot agree on an arbitrator, as a last resort will appoint someone: fair, reasonable, independent arbitrators. Retired judges, I think, are among that group of fair, reasonable, independent arbitrators who can accomplish that goal.

It is in the public interest to resolve these disputes, because, after all, our fundamental concern has to be for people who need that care in the hospital system. That's where the concern must be. That's why the dispute resolution process is in place. That's why fair and reasonable

people are called upon to resolve the disputes when the parties themselves have difficulty.

### RURAL CRIME PREVENTION

**Mr Peter L. Preston (Brant-Haldimand):** My question is directed to the Solicitor General and Minister of Correctional Services. I'm concerned about statistical reports that there were 22,440 break-and-enter incidents within OPP jurisdictions last year. As a member from a largely rural constituency, I recognize that break-and-enter crimes are of particular interest to a great number of rural communities.

In my riding, the OPP has consulted with local politicians and members of the public to get input on local policing priorities. Overwhelmingly, the OPP have heard that targeting property crime is top priority. As OPP statistics suggest, there is a real challenge in protecting private property in less populated parts of the province. I'm sure everyone in this Legislature will agree these types of break-and-enter crimes are personally traumatic. What action is this government taking to —

**The Speaker (Hon Chris Stockwell):** Thank you, Minister.

**Hon Robert W. Runciman (Solicitor General and Minister of Correctional Services):** I appreciate the question from the member for Brant-Haldimand. In fact, this government has recognized the serious nature of this type of crime. The numbers that the member mentioned represent about 18% of break-and-enters in the province and about \$22 million in property loss.

In recognition of that challenge, the government announced in its last budget the development of a rural crime prevention strategy. The police recognize that much of rural break-and-enter activity is the work of mobile, organized groups. The Treasurer, the Minister of Finance, through his budget, allowed the establishment of five regional special task forces within the OPP to target break-and-enters in rural Ontario.

From the eastern Ontario region, I can tell you they're having a dramatic, positive impact. B&Es in the eastern region are down 22%. We're also working with the cottage owners' federations to establish a cottage watch program for Ontario.

#### *Interjections.*

**Mr Preston:** I thank the Solicitor General for his reassuring answer, an answer that reassures rural Ontarians, regardless of the ignorance of some people across the floor. It does reassure rural Ontarians that our government has taken considerable action in addressing rural crime.

Minister, we all know that crime prevention and public safety are concerns in all Ontario communities, not just rural communities. What is the government going to do to enhance community policing across the province?

**Hon Mr Runciman:** The rural crime prevention strategy is just one component of our community policing partnership program. I've talked in this House and I'm going to continue to talk about the \$150-million program which is a front-line initiative which will see 1,000 new,

additional police officers on the front lines of communities across this province. We'll be making those announcements in the very near future.

We've also set aside \$6 million to hire 115 new cadets for the OPP, which is going to free up front-line officers to spend more time patrolling communities across this province.

I think it's clear, if you take a look at the record of this government in the justice area, no government in this country is doing more to improve public safety in our communities than the Mike Harris government.

1430

### SCHOOL CLOSURES

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Education. Parents in Toronto, Ottawa, Kitchener-Waterloo, Elmira, Stratford, St Thomas and many other rural and urban communities are asking themselves why a government that committed to not touching one cent in classroom expenditures has in fact gone way beyond that and is now closing 600 schools in Ontario.

These parents and these students are asking themselves: "Does this minister not understand what this school means to our neighbourhood? Does this minister not understand that this forms the very heart and soul of our community? Does this minister not understand that this is much more than bricks and mortar, that after-school programs and preschool programs and weekend programs are involved here? Does this minister not understand how valuable our schools are to our children and our community?"

My question then on their behalf to you, Minister, is, why are you attacking our communities and our students by stealing these schools away from them?

**Hon David Johnson (Minister of Education and Training):** As the member opposite knows, this government is giving the boards a fair amount of money, a uniform amount of money, based on the requirements of the boards, and the school boards are making these decisions. They've made these decisions down through the ages.

For example, when the Liberals were in power in 1987, the Ontario Teachers' Federation said that it was betrayed by the Liberal government. "We'll make education a major issue in the next provincial election." They weren't happy with the Liberal government. The board in Etobicoke indicated that three high schools would have to be closed in 1988. In Windsor, elementary schools would have to be closed in 1989. Indeed, under the Liberal government there were about 140 schools closed across Ontario because the school boards came to the conclusion that that made sense.

Parents and school boards are looking at the needs of their students. We are giving them the money to make the proper decisions.

**Mr McGuinty:** The minister represents a government that apparently has nothing to do with hospital closures, has nothing to do with property tax hikes being experienced by the great majority of Ontarians and apparently



also has nothing to do with school closures. Yet this is the government and this is the minister who has cut \$1 billion out of our school budgets. This is the minister who has put into place some kind of mechanical, rigid formula that bears no relationship whatsoever to real life inside Ontario communities.

Somebody got it right at a recent public rally. In Stratford there was a sign that said, "Your funding formula is a pile of manure." A student there wrote to the school board chair and said, "I am praying to Santa that they won't have to close my school." You're the grinch. You're closing these schools. You've got to wear this. Everybody understands that. You're causing school closures. You took \$1 billion out of the system, you've broken a promise not to touch classroom spending, you've gone way beyond that and you're closing 600 schools. Why are you attacking communities? Why are you closing schools in Ontario?

**Hon David Johnson:** This is absolute nonsense. There is only one government in Canada reducing funding to education. Guess which government it is. The federal Liberal government: \$2.7 billion to education, to health, to social programs. That's the only government in Canada reducing funds to education.

The funding formula that we have brought forward will involve increased funding to the tune of \$15 billion: \$15 billion in revenues to school boards across the province, which is \$500 million higher than it was last year, and I am pleased to say that more of the money is focused in the classroom.

If the Leader of the Opposition is concerned about administration and bureaucracy, yes, we have reduced funding to administration and non-classroom expenses, but within the classroom, more money and a better education system in Ontario in the future.

#### ONTARIO NORTHLAND TRANSPORTATION COMMISSION

**Mr Len Wood (Cochrane North):** My question is for the Minister of Northern Development and Mines. The minister is aware that the Ontario Northland corporation will be cutting bus service in a couple of weeks. Right now, between Hearst, Cochrane and Timmins, Ontario Northland provides two daily trips each way. With a cutback to only one trip, seniors travelling back and forth from Timmins to Hearst, college and university students, businesses that rely on this service, and people who just can't afford to own a car are going to be hurt by your cuts to the Ontario Northland bus service.

Will the minister advise this House today that he will restore the funding so that they can continue to have two bus trips per day from Timmins to Cochrane and Kapuskasing?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I appreciate the question. As the member opposite is fully aware, the bus service is run by the Ontario Northland Transportation Commission, which has

an independent board and a president. They have to run like all commercial operators. They have to work within schedules and they have to rationalize the routes, and changes are made from time to time.

I would just like to point out that no community will lose bus service, I'm told, as a result of these changes, and I'm told there are no job losses expected. Further, the North Bay to Toronto service is simply a seasonal change and the Timmins to Sudbury simply restores service to what it was in the past. We tried to put an additional route on that and it didn't work out. This is a reflection of the number of riders that play a function in this. It's run like a business and it has its own autonomous board.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Gilles Bisson (Cochrane South):** Minister, that's OK for you, you've got the chauffeur-driven limo, but people in Hearst and Kapuskasing have no means, in some cases, to be able to travel from one end to the other. That's not acceptable. Further, it's your ministry and your government that cut \$10 million to the subsidy of the ONTC that has resulted in these decisions. You have to recognize that there's been a long-standing understanding in Ontario that the province of Ontario, yes, subsidizes those bus services so that at least people in those communities can get a basic level of service.

Minister, I am going to ask you again: Will you do the right thing? Will you make sure that the ONTC has adequate funding to ensure that people along the Highway 11 corridor don't do without service?

**Hon Mr Hodgson:** As the member knows full well, this is a board that's a scheduled agency of the Ontario government. They are responsible for conducting their business. The rail freight service has declined a little bit, the ridership has declined a bit, and they have to make route changes from time to time.

Last year, in 1997, we added another route to the Sudbury route and it didn't work out, so we're going back to the level that was in place when you were in government. In the area that the member represents, I understand that Dick Grant, who is the chair of the ONTC board, will be meeting this Friday with the mayor's action group to discuss this and look for possible changes in the future.

#### SAFE COMMUNITIES FOUNDATION

**Mr Bill Vankoughnet (Frontenac-Addington):** My question is for the Minister of Labour. Since he was in Kingston yesterday, will he explain the role of the Safe Communities Foundation? I would like to know how this foundation has helped communities like Kingston.

**Hon Jim Flaherty (Minister of Labour):** I was pleased and privileged yesterday to speak at the opening of the second annual Safe Communities conference which took place at Queen's University in Kingston. There were people there not only from communities around Ontario but also from Alberta and from seven or eight other provinces and territories in Canada.

The Safe Communities Foundation does important work and has been a terrific success. It was initiated by the

work of Paul Kells, who regrettably lost his 19-year-old son in a work accident at a part-time summer job several years ago. He then came to my predecessor, Elizabeth Witmer, as Minister of Labour, and together they moved forward with this initiative called the Safe Communities Foundation, which has expanded not only in Ontario communities but also to Alberta.

It is a community-based health and safety solution designed to assist small business and reducing compensation costs while improving safety. Under the program, the small businesses have access to health and safety expert consulting teams, training programs and other resources that they would otherwise have difficulty gaining access to. The Workplace Safety and Insurance Board also has an incentive program that goes along with the Safe Communities Foundation program for participating companies so that they can actually receive rebates by improving their health and safety programs.

**Mr Vankoughnet:** Minister, can you tell us how the safe communities incentive program has helped companies in Ontario?

**Hon Mr Flaherty:** It has been of terrific help to many small businesses in Ontario. For example, in the Brockville area 56 companies have recently received cheques totalling \$113,000 from the WSIB for improving their health and safety programs. This means improving programs for youth, making our workplaces safer for youth as well as for older workers. This is important work. In Waterloo, 48 companies received cheques totalling \$350,000. In Peterborough, 43 companies received cheques totalling \$200,000. Owen Sound and district is moving forward this program, and in my own region of Durham, Ajax and Pickering are moving forward.

It's a terrific program. It's sustainable. It works. It reduces injuries among our young people entering the workforce and among older workers. It's a program that we value and support.

1440

## ONTARIO HYDRO

**Mr Sean G. Conway (Renfrew North):** My question is to the Minister of Finance, and it concerns the briefing that his department provided some members of the Legislature yesterday afternoon with respect to the disposition of the \$40 billion worth of Ontario Hydro debt. I must say I've never been in the presence of such a group before, I've never witnessed Bay Street drooling on Wall Street, and my concern as I listened to that presentation is what all of this means for Main Street, because on Main Street the concern is going to continue to be, what does all of this mean to my rates?

The question is to the Minister of Finance, not to the Minister of Energy. A certain Bryne Purchase, the now Deputy Minister of Finance, was retained by the government of Ontario last spring to advise the government of Ontario on the whole Hydro debt situation. Bryne Purchase told the legislative committee in Ottawa on August 17 that the single biggest concern for the

committee ought to be protecting public shareholder value in the very substantial assets at Ontario Hydro. Dr Purchase particularly pointed out the need for very clear and strong governance mechanisms over the new successor companies, particularly Genco.

What is the Minister of Finance prepared to tell the House today about the particular steps he will take to protect shareholder value in those assets?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** The member will be aware, having attended the briefing session yesterday afternoon, of how the values of both Servco and Genco were arrived at. Servco was quite easy because there were other operations of a similar nature that you could use as a comparative value and the value of \$10.5 billion was arrived at. Similarly, in response to a question asked earlier with respect to Genco, there are some prudent concerns and uncertainties that have to be taken into account with respect to the nuclear assets of Ontario Hydro, and hence the value of \$5 billion was arrived at.

**Mr Conway:** That anticipates the supplementary. The presentation yesterday was fascinating, I thought, for two reasons: One, you've assigned only \$1.8 billion of the nearly \$40 billion worth of Hydro debt to Genco and, by so doing, I think most people would say you have created a very valuable generation company. You also tell us, your people yesterday, that because of the assignment of so little of the Hydro debt to Genco, which has enormously valuable hydroelectric and fossil-generating capacities, you have now created a company which, according to your own Bay Street and Wall Street hires, will pay new hydro taxes on an annual basis of in excess of \$1 billion.

Let me repeat, according to your own presentation yesterday, the structure at Genco, because it's so lucrative, because it carries so little of the debt, is going to be able to pay new hydro taxes on an annual basis of over a billion dollars, which once the debt is paid off will apparently go to the credit of the Ontario treasury.

My question on behalf of the Ontario ratepayers of electricity is, will you as the Minister of Finance stand in your place today and tell the millions of residential and farm electricity consumers that in the four-year period 2000 to 2004 their hydro bills will not increase —

**The Speaker (Hon Chris Stockwell):** Minister.

**Mr Conway:** — as a result of this —

**The Speaker:** Member for Renfrew North, come to order, please. Minister of Finance.

**Hon Mr Eves:** The honourable member knows that ratepayers already are paying for the entire debt of Ontario Hydro. Every time you pay a hydro bill, you are paying a portion of that amount towards servicing the debt of Ontario Hydro. There is no new created thing. It's going to be more transparent in terms of the CTC charge. It will be up front and a transparent charge. There are capital structures to debt-equity ratios for both Servco and Genco. He knows what they are. They're 60-40 for Servco; they're 40-60 for Genco. That is how these were arrived at.



## ONTARIO NORTHLAND TRANSPORTATION COMMISSION

**Mr Gilles Bisson (Cochrane South):** My question is back to the Minister of Northern Development and Mines. To a previous question put by myself and the member for Cochrane North you were saying as the minister that the ONTC is an independent agency and you've got nothing to do with it. We know and you know and the people of northern Ontario know you've got a fixed-price contract signed with the ONTC that provides a subsidy to that agency. Furthermore, everybody in northern Ontario knows it's your government that appoints the appointees to the board that makes the decisions. So when you come back to us and say, "It's not me, not Chris Hodgson, not Mike Harris cutting the services," we know that's not the case.

There's a subsidy in place for a reason. The subsidy is there to ensure that the ONTC has the capacity to respond to the needs of the people of northern Ontario to provide a basic level of transportation. My question to you is quite simple: Minister, are you going to do the right thing? Will you keep up the tradition for northern Ontario, to make sure we have the subsidy necessary to provide basic services in northern Ontario?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The member opposite knows full well that the Ontario Northland Transportation Commission is an organization that is a scheduled agency of the government and therefore has its own president and its own board of directors and its own chair of the board. He was involved in the government at one time and is fully aware of that relationship. I can go back in the Hansards and show ministers of your party in your answers that you gave about operational issues conducted by the ONTC. That is totally within their jurisdiction.

There are changes to bus lines and routes and scheduling. That's why you have local boards with local members on them make those decisions. In 1997 we expanded the bus service to Sudbury and this year the board found that the revenues weren't up to snuff and so they're making some changes. I expect that changes will be made for the future of the ONTC.

What I would like to say, since you bring up the subsidy, is that we have done a number of things to allow the ONTC as an organization to exist and thrive and grow its business.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Len Wood (Cochrane North):** This government never takes responsibility for anything. They always want to blame somebody else. All the appointments to Ontario Northland are made by Mike Harris and Chris Hodgson. They have complete control over what happens to Ontario Northland. You have cut the northern airline, you've cut the train service, you've cut the bus service. What could the people of northern Ontario expect from this government? You're hurting everybody in sight — cut, cut, cut, cut. When will you restore the money that Ontario North-

land needs to give good airline service, train service and bus service?

**Hon Mr Hodgson:** The members of the third party have their selective memory on. I will point out that the member is right, that we did inherit an \$11-billion deficit and a debt of \$100 billion, and there had to be some changes in the way we ran this province. I think everyone in the province recognized that, whether in northern Ontario or southern Ontario. We've allowed the ONTC to have flexibility.

We cancelled the Tucson award. Instead of paying that \$9 million they were on the hook for, they got to keep it. I think you will find that our record stacks up quite well against any past government's in light of the fact that we also have to get the fiscal house of this province in order. This board should be commended for the great job they are doing on behalf of northerners and northern Ontario.

1450

## PETITIONS

### HOTEL DIEU HOSPITAL

**Mr James J. Bradley (St Catharines):** I have a timely petition regarding the government of Ontario.

"Since the Hotel Dieu Hospital has played and continues to play a vital role in the delivery of health care services in St Catharines and the Niagara region; and

"Since Hotel Dieu has modified its role over the years as part of a rationalization of medical services in St Catharines and has assumed the position of a regional health care facility in such areas as kidney dialysis and oncology; and

"Since the Niagara region is experiencing underfunding in the health care field and requires more medical services and not fewer services; and

"Since Niagara residents are required at present to travel outside of the Niagara region to receive many specialized services that could be provided in city hospitals and thereby not require local patients to make difficult and inconvenient trips down our highways to other centres; and

"Since the Niagara hospital restructuring committee used a Toronto consulting firm to develop its recommendations and was forced to take into account a cut of over \$40 million in funding for Niagara hospitals when carrying out its study; and

"Since the population of the Niagara region is older than that in most areas of the province and more elderly people tend to require more hospital services;

"We, the undersigned, request that the government of Ontario keep the election commitment of Premier Mike Harris not to close hospitals in our province, and we call upon the Premier to reject any recommendation to close Hotel Dieu Hospital in St Catharines."

I, along with many people in St Catharines, agree with this petition.

## HERITAGE CONSERVATION

**Mr Peter Kormos (Welland-Thorold):** I have a petition addressed to the Legislative Assembly of Ontario. It reads:

"Whereas heritage is vitally important to the social and economic health of Ontario communities and Ontario residents; and

"Whereas community museums, galleries and heritage organizations work hard to protect, promote, manage and develop our provincial heritage resources; and

"Whereas the provincial government has a responsibility to the people of Ontario to promote the value of heritage and heritage conservation; and

"Whereas the Mike Harris government has abdicated their responsibility for heritage by cutting support to community museums, galleries and heritage organizations; and

"Whereas the Mike Harris government has not implemented a new heritage act that would give communities the ability to better protect heritage sites; and

"Whereas the Mike Harris government has not undertaken meaningful consultation with Ontario's heritage community;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to provide stronger support to Ontario's heritage institutions and organizations and to work with the people of Ontario to establish a new heritage act."

That's signed by Anthony Wayland, Phyllis Hill and many others from across Niagara.

## SCHOOL CLOSURES

**Mr Bert Johnson (Perth):** I have a petition that concerns deeply a lot of people in the communities in Perth.

"We, the undersigned taxpayers of rural Ontario, oppose the current Ministry of Education and Training funding formula in relation to rural boards. We believe that special consideration should be given to the fact that our population is spread out over a wide geographical area. A blanket funding formula for such a large and diverse province as Ontario will not work for students equally. Education is not an expense, it's an investment."

I sign this petition on behalf of my constituents.

**Mrs Lyn McLeod (Fort William):** "To the Legislative Assembly of Ontario:

"Whereas Mike Harris is cutting the heart out of many communities by closing hundreds of neighbourhood and community schools across Ontario; and

"Whereas this massive number of school closings all at once will displace many children and put others on longer bus routes; and

"Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

"Whereas Mike Harris is pitting parent against parent and community against community in the fight to save local schools; and

"Whereas parents in Romney, Toronto, Ottawa, Stratford, Hamilton-Wentworth and many other communities are calling on the government to stop closing so many of their schools;

"Whereas the closure of a school should be based on local decision-making and student population, with enough time to consider all options, not complicated formulas aimed at quickly cutting money from the system;

"We, the undersigned, petition the Legislature to call on Mike Harris to stop his headlong rush to close local schools."

I have signed my signature in full agreement with the sentiment.

## PALLIATIVE CARE

**Mr Bob Wood (London South):** I have a petition signed by 15 people.

"Whereas most Ontario residents do not have adequate access to effective palliative care in time of need;

"Whereas meeting the needs of Ontarians of all ages for relief of preventable pain and suffering, as well as the provision of emotional and spiritual support, should be a priority to our health care system;

"We, the undersigned, petition the Legislative Assembly of Ontario to resolve that a task force be appointed to develop a palliative care bill of rights that would ensure the best possible treatment, care, protection and support for Ontario citizens and their families in time of need.

"The task force should include palliative care experts in pain management, community palliative care and ethics in order to determine effective standards for the right to life and care of individuals who cannot, or who can no longer decide issues of medical care for themselves.

"The appointed task force would provide interim reports to the government and the public and continue in existence to review the implementation of its recommendations."

## PORNOGRAPHY

**Mr John C. Cleary (Cornwall):** I have a petition to the Legislative Assembly of Ontario:

"Whereas children are exposed to pornography in variety stores and video retail outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to pornography;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:



"To enact legislation which will create uniform standards in Ontario to prevent minors from being exposed to pornography in retail establishments; prevent minors from entering establishments which rent or sell pornography; restrict the location of such establishments to non-residential areas."

That's signed by many from my riding and the riding of SD&G.

#### WASTE DISPOSAL

**Mr John O'Toole (Durham East):** I present a petition on behalf of the Honourable Janet Ecker. It's from members in her riding: Terry White and David Home. For the record, I'll read the petition, although it's in improper format. It's a petition against a garbage station.

"The citizens of Ajax are outraged that a garbage transfer station could be approved on the Norton Road despite the rejection of the proposal of J & F Waste by the town of Ajax. We request the town of Ajax work with representatives of the community to defend the town's decision to reject the application and that the town provide full legal representation and independent expert witnesses at any hearings at the Ontario Municipal Board."

I present this petition of behalf of Janet Ecker.

#### HERITAGE CONSERVATION

**Mr David Ramsay (Timiskaming):** I have a petition to the Legislative Assembly of Ontario:

"Whereas heritage is vitally important to the social and economic health of Ontario communities and Ontario residents; and

"Whereas community museums, galleries and heritage organizations work hard to protect, promote, manage and develop our provincial heritage resources; and

"Whereas the provincial government has a responsibility to the people of Ontario to promote the value of heritage and heritage conservation; and

"Whereas the Mike Harris government has abdicated their responsibility for heritage by cutting support to community museums, galleries and heritage organizations; and

"Whereas the Mike Harris government has not implemented a new heritage act that would give communities the ability to better protect their heritage sites; and

"Whereas the Mike Harris government has not undertaken meaningful consultation with Ontario's heritage community;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario to provide stronger support to Ontario's heritage institutions and organizations and to work with the people of Ontario to establish a new heritage act."

I will affix my signature too.

#### COMPENSATION FOR HEPATITIS C PATIENTS

**Mr Joseph N. Tascona (Simcoe Centre):** I have a petition to the Parliament of Ontario:

"Whereas many Ontarians have been infected with the hepatitis C virus as a result of transfusions using contaminated blood; and

"Whereas the current compensation package only provides funding for those people infected between the years 1986 to 1990; and

"Whereas in Canada there are at least 20,000 surviving victims who were infected with hepatitis C before 1986, who placed their faith in the blood system and are now suffering;

"Now therefore, we, the undersigned, respectfully petition the Legislature of Ontario, on behalf of the victims and their families, in support of the Ontario government's call for a compensation package for Ontarians who were infected with the hepatitis C virus through the blood system prior to 1986, and that pending a resolution of federal liability for the contaminated blood problem, Ontario agree in the interim that such new package be funded by Ontario and the federal government on the same basis as the federal-provincial agreement covering 1986-90. We call on the government of Canada to do the right thing."

I affix my signature.

#### SCHOOL CLOSURES

**Mr Richard Patten (Ottawa Centre):** I have a petition to the Legislative Assembly of Ontario:

"Whereas Mike Harris is cutting the heart out of many communities by closing hundreds of neighbourhood and community schools across Ontario; and

"Whereas this massive number of school closings all at once will displace many children and put others on longer bus routes; and

"Whereas Mike Harris promised in 1995 not to cut classroom spending but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

"Whereas Mike Harris is pitting parent against parent and community against community in the fight to save local schools; and

"Whereas parents in Toronto, Ottawa, Stratford, Hamilton-Wentworth, Romney and many other communities are calling on the government to stop closing so many of their schools; and

"Whereas the closure of the schools should be based on local decision-making and student population, with enough time to consider all options, not complicated formulas aimed at quickly cutting money from the system;

"We, the undersigned, petition the Legislature to call on Mike Harris to stop his headlong rush to close local schools."

I affix my signature to this as well.

1500

## PROTECTION FOR HEALTH CARE WORKERS

**Mr Allan K. McLean (Simcoe East):** I have a petition that says:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense or sell chemicals and other devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

## ADOPTION

**Mr Alex Cullen (Ottawa West):** I rise with a petition signed by residents in London, Ontario, and Ingersoll, Ontario, in support of Bill 39, the Access to Adoption Information Statute Law Amendment Act, and I will summarize the petition.

The petitioners petition the Legislature to revise legislation to allow for access to birth registration, adoption records for adult adoptees, birth parents, adoptive parents and other relatives, implement a no-contact notice option, recommend optional counselling, offer access to other information relating to medical files and acknowledge open adoptions.

I'm pleased to affix my signature to it.

## NORTHERN HEALTH SERVICES

**Mr Frank Miclash (Kenora):** I have a petition signed by over 1,000 constituents in the Kenora area. It reads:

"To the Honourable Mike Harris:

"Whereas there are circumstances at the Lake of the Woods District Hospital that could cause the cessation of the anaesthetists' services, the loss of two psychiatrists and the loss of the diabetic education service in the near future; and

"Whereas these facilities are required by the people in a very large area, the Kenora district; and

"Whereas even a short-term elimination of these facilities could result in the loss of the professionals providing these services;

"Therefore, we, the undersigned, are calling on your government to provide an immediate long-term solution to guarantee the continuation of the health care facilities currently available through our district hospital."

Again, it's signed by over 1,000 constituents in my riding and I have certainly attached my name to it.

## GERMAN HERITAGE

**Mr Wayne Wettlaufer (Kitchener):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the people of German descent have been a part of Ontario's history since the days of pre-Confederation; and

"Whereas the German culture has always been an integral component of the cultural mosaic of Ontario; and

"Whereas we wish to demonstrate official recognition of the positive contribution of German heritage in the province of Ontario;

"We, the undersigned, respectfully petition the government of Ontario to pass the bill entitled the German Pioneers Day Act and we respectfully petition the government of Ontario to designate the day following Thanksgiving Day as the date of the annual German Pioneers Day."

I'm pleased to affix my signature.

## ABORTION

**Mr Bob Wood (London South):** I have a petition signed by 526 people.

"Whereas the Ontario health system is overburdened and unnecessary spending must be cut; and

"Whereas pregnancy is not a disease, injury or illness and abortions are not therapeutic procedures; and

"Whereas the vast majority of abortions are done for reasons of convenience or finance; and

"Whereas the province has exclusive authority to determine what services will be insured; and

"Whereas the Canada Health Act does not require funding for elective procedures; and

"Whereas there is mounting evidence that abortion is in fact hazardous to women's health; and

"Whereas Ontario taxpayers funded over 45,000 abortions in 1993 at an estimated cost of \$25 million;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to cease from providing any taxpayers' dollars for the performance of abortions."



## ORDERS OF THE DAY

APPRENTICESHIP AND  
CERTIFICATION ACT, 1998

LOI DE 1998

SUR L'APPRENTISSAGE ET LA  
RECONNAISSANCE PROFESSIONNELLE

Resuming the adjourned debate on the motion for second reading of Bill 55, An Act to revise the Trades Qualification and Apprenticeship Act / Projet de loi 55, Loi révisant la Loi sur la qualification professionnelle et l'apprentissage des gens de métier.

**The Acting Speaker (Ms Marilyn Churley):** Pursuant to the order of the House of October 14, 1998, I am now required to put the question.

Mr Smith has moved second reading of Bill 55. Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members; a five-minute bell.

*The division bells rang from 1506 to 1511.*

**The Acting Speaker:** All those in favour of the bill will please rise.

## Ayes

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Bassett, Isabel  
Beaubien, Marcel  
Boushy, Dave  
Brown, Jim  
Carroll, Jack  
Chudleigh, Ted  
Clement, Tony  
Danford, Harry  
DeFaria, Carl  
Doyle, Ed  
Fisher, Barbara  
Flaherty, Jim  
Ford, Douglas B.  
Fox, Gary  
Froese, Tom  
Gilchrist, Steve

Grimmett, Bill  
Guzzo, Garry J.  
Harnick, Charles  
Johnson, Bert  
Johnson, David  
Jordan, W. Leo  
Kells, Morley  
Klees, Frank  
Leach, Al  
Marland, Margaret  
Martiniuk, Gerry  
McLean, Allan K.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.  
Parker, John L.

Pettit, Trevor  
Preston, Peter  
Rollins, E.J. Douglas  
Ross, Lillian  
Runciman, Robert W.  
Sampson, Rob  
Shea, Derwyn  
Sheehan, Frank  
Smith, Bruce  
Snobelen, John  
Sterling, Norman W.  
Tascona, Joseph N.  
Tilson, David  
Turnbull, David  
Vankoughnet, Bill  
Villeneuve, Noble  
Wettlaufer, Wayne  
Wilson, Jim  
Wood, Bob

**The Acting Speaker:** All those opposed will please rise.

## Nays

Bisson, Gilles  
Boyd, Marion  
Bradley, James J.  
Caplan, David  
Christopherson, David  
Cleary, John C.  
Conway, Sean G.  
Cordiano, Joseph  
Crozier, Bruce  
Cullen, Alex

Gerretsen, John  
Grandmaître, Bernard  
Hampton, Howard  
Hoy, Pat  
Kormos, Peter  
Kwinter, Monte  
Lessard, Wayne  
McGuinty, Dalton  
McLeod, Lyn  
Miciash, Frank

Morin, Gilles E.  
North, Peter  
Patten, Richard  
Phillips, Gerry  
Pouliot, Gilles  
Pupatello, Sandra  
Ramsay, David  
Slipo, Tony  
Wildman, Bud  
Wood, Len

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 57; the nays are 30.

**The Acting Speaker:** I declare the motion carried.

Pursuant to the order of the House dated October 14, 1998, the bill is ordered referred to the standing committee on general government.

## LEGAL AID SERVICES ACT, 1998

LOI DE 1998

## SUR LES SERVICES D'AIDE JURIDIQUE

Resuming the adjourned debate on the motion for second reading of Bill 68, An Act to incorporate Legal Aid Ontario and to create the framework for the provision of legal aid services in Ontario, to amend the Legal Aid Act and to make consequential amendments to other Acts / Projet de loi 68, Loi constituant en personne morale Aide juridique Ontario, établissant le cadre de la prestation des services d'aide juridique en Ontario, modifiant la Loi sur l'aide juridique et apportant des modifications corrélatives à d'autres lois.

**The Acting Speaker (Ms Marilyn Churley):** Pursuant to the order of the House dated October 26, I am now required to put the question.

Mr Harnick has moved second reading of Bill 68. Is it the pleasure of the House that the motion carry? Carried.

Pursuant to the order of the House dated October 26, 1998, the bill is ordered referred to the standing committee on administration of justice.

## COURTS OF JUSTICE

## AMENDMENT ACT

## (IMPROVED FAMILY COURT), 1998

LOI DE 1998 MODIFIANT LA LOI  
SUR LES TRIBUNAUX JUDICIAIRES  
(AMÉLIORATION DE LA COUR  
DE LA FAMILLE)

Resuming the adjourned debate on the motion for second reading of Bill 48, An Act to Improve Court Services for Families by Facilitating Expansion of the Family Court and to make other amendments to the Courts of Justice Act / Projet de loi 48, Loi visant à améliorer les services fournis aux familles par les tribunaux en facilitant l'expansion de la Cour de la famille et apportant d'autres modifications à la Loi sur les tribunaux judiciaires.

**Mr Carl DeFaria (Mississauga East):** I am pleased to commence debate on Bill 48, the Courts of Justice Amendment Act. This bill expands on the Courts of Justice Act, which currently regulates and provides for the creation of the family court at new sites by proclamation. This bill amends the Courts of Justice Act to make some minor changes to the structure of judicial administration in the Ontario Court (General Division). This change will facilitate the expansion of the family court.

To go back a bit to the creation of the Unified Family Court, I can tell you that the court was created in 1977.

It was established as a pilot project in the city of Hamilton for a three-year period. All family law jurisdiction was consolidated into the Unified Family Court, which would allow that court to provide service in the family court whether the jurisdiction was provincial or federal.

In the past, because of the jurisdiction being both provincial and federal, there were difficulties in providing service to all the family law issues that came up in a separation or other family law situations. The split jurisdiction was based mainly on the appointment of judges and the authority that judges were conferred with whether they were appointed by the federal government or the provincial government.

In 1995, the Unified Family Court was continued as the family court branch of the Ontario Court (General Division) and was expanded to four locations: London, Barrie, Kingston and Napanee, in addition to the original site in Hamilton. The expansion has been termed a success by all means by the members of the bench, the bar association, community groups and advocacy groups in Ontario.

Unification of family law jurisdiction in one court meant better customer service for women, children and families. The family court increased support services such as intake, assessment and referral to family mediation services. In the family court, there is full service in family law at one court. All remedies such as divorce, which is exclusive federal jurisdiction, possession of a family home, custody, access, enforcement of a separation agreement, child and spousal support, enforcement of support orders and protection of children can be dispensed in Unified Family Court.

1520

Why amend the Courts of Justice Act? I can tell you that one of the main reasons is that our government will soon be announcing a major expansion of the Unified Family Court in Ontario. The proposed amendments would facilitate the expansion of the court. Unified Family Court now exists in five jurisdictions and hopefully it will be expanded throughout Ontario.

Further expansion of this court is long overdue. Members of the bar are well aware of the need to expand the court into other jurisdictions throughout Ontario.

The federal government has not provided Ontario with enough judicial appointments to meet Ontario's needs. However, the proposed changes will permit making maximum use of the limited judicial resources available and expanding it as broadly as possible.

The proposed changes have been requested, as I mentioned, by the judiciary who are very supportive of Unified Family Court expansion.

What are the advantages of United Family Court? One of the main advantages is a single-window service. In areas of Ontario without Unified Family Court, family law cases are still heard in both the Provincial Division and General Division courts. Each court has exclusive jurisdiction over certain family law matters. This is very confusing for litigants and for the public who often have to resort to different courts to achieve different remedies.

Unified Family Court will have jurisdiction, as I mentioned, on all family law matters and will simplify the system.

Also the Unified Family Courts have specialized services, such as mediation services, and will be able to provide information services and information sessions on family law and alternative resolution matters; also on parental separation, on children. All these information sessions are sessions that would not be available when you have different levels of court systems providing services for families.

The procedures will be streamlined. The new family rules were recently approved by the Family Rules Committee and hopefully will receive cabinet consideration in the near future. These rules are designed to make the court process much faster and simpler for the parties.

Some of the main elements of the amendment include providing the regional senior judges with clear authority to direct and supervise sittings of the family court system and assign judicial duties; also the establishment of an office of the Senior Judge of the General Division of the family court to provide advice to the Chief Justice on issues affecting the family court on a provincial basis.

Le projet de loi confirme l'autorité du juge en chef sur l'ensemble du tribunal, y compris la Cour de la famille. Il prévoit également que cela conférerait aux juges principaux régionaux de la division générale l'autorité relative aux questions opérationnelles. Concernant la Cour de la famille, les juges principaux de cette dernière conservent son autorité à l'égard des questions reliées aux responsabilités fonctionnelles de ce tribunal.

These changes recognize the Chief Justice's constitutional authority to assign General Division judges into the court on a rotational basis so that additional resources can be made available to the court and can be expanded to more communities. It also removes young offender cases from the family court. For a long time people have indicated that young offenders court should be incorporated into the criminal division, which is a provincial court division, and in fact most of the young offender cases are dealt with in the criminal court. That provides establishment, just like we now have the establishment of the family domestic assault cases, of a specialized court within the criminal division. The Young Offenders Act can be very well administered within the same system.

To finalize, Ontario is firmly committed to the goal of a province-wide Unified Family Court. We urge the federal government to make it a priority to provide more judges so that the court can be extended to all communities. In the past, all parties of this House supported the establishment of the Unified Family Court. I'm sure that most members here realize the importance of the Unified Family Court system, and I'm hoping they will be able to support this bill also.

**The Acting Speaker (Ms Marilyn Churley):** Questions and comments?

**Mr James J. Bradley (St Catharines):** I know a matter of justice that may be affected by the courts of justice situation. The member didn't mention the injustices



being done today to the Hotel Dieu Hospital in St Catharines. I thought he might have mentioned that when he talked about justice today and the courts of justice. Contrary to the promise of the Premier of this province when he said, "Certainly, Robert, I can guarantee you I have no plans to close hospitals," the Premier's hand-picked commission today, the hospital destruction commission, announced that it would be closing Hotel Dieu Hospital in St Catharines, just as it closed Hotel Dieu Hospital in Kingston and in Cornwall.

I'm wondering what they have against the Religious Hospitalers of St Joseph that they keep closing these hospitals. They have provided outstanding care. This is a matter of injustice in our area. I wish we had a court of justice. I guess the court of justice is the electorate of this province, but I wish we had that to deal with Hotel Dieu Hospital.

Just a short time ago, the Premier sent a lovely complimentary message, a scroll, which was read out at a public event, congratulating Hotel Dieu Hospital and everyone associated with it on the wonderful service they had provided to the people of St Catharines over the past 50 years. Then I find out today — I had to muscle my way, by the way, past the guards at one time to try to get into the press conference. I was not successful. They would not even allow elected members into the press conference. They had a segregated press conference in a segregated area for elected members. The elected members, even the Conservative members, were not allowed into where the real action was, the press conference. I knew there was trouble when we started there, and I know that all of my colleagues in the Niagara region will be joining me in fighting for justice for the Hotel Dieu Hospital in St Catharines.

**Mr Len Wood (Cochrane North):** With what this government is doing, there certainly are a lot of questions that have come up. Why would this government allow 12-year-olds to take hunting rifles and go into the bush being supervised by 19-year-olds? All of the cuts that are being made to the school system and the safety system in this province, how is that going to make things safer in this province? It's going to destroy a lot of families and put more kids at risk.

When you talk about questions and comments, what good is it going to do to put all the young people into boot camps? Is that supposed to make the justice system better in this province? There are a lot of questions and comments that are going to come up as we go through and debate this bill in more detail.

With the cuts to education, health care, closing 40 or 50 hospitals around this province, closing up to 600 schools and a lot of the action that has been taken, you've cut families that are in need. One of this government's first actions was to take the money away from the kids for food and shelter and what they needed to clothe themselves to be productive in society.

When we look at the whole agenda of this Conservative government, what they've brought forward, I don't believe they're really concerned about justice in society, because

of the action they've taken, one move after another which is destroying families and putting more children at risk throughout this province.

1530

**Mr John Gerretsen (Kingston and The Islands):** I would just like to respond to something the member said, that the provincial government wanted more than the 17 judges who were actually appointed by the federal government. As he well knows, the Unified Family Court system in Hamilton started some 20 years ago and the other four courts were added back in 1993-94. It will take quite some time to make sure that the 17 judges who have been appointed in effect will be placed in different Unified Family Courts throughout the province.

The best argument he can come up with, which is against the federal government — and that seems to be the mode of this government nowadays, to attack the federal government — is the argument that "My golly, the feds didn't do what we wanted them to do, because we wanted them to appoint 22 judges and they only appointed 17 judges."

I think assurances can be given that once these 17 judges have been placed in the new Unified Family Courts throughout Ontario, the federal government will then continue with that process and make sure that other judges are appointed to make the system work, because I believe in the Unified Family Court system. It's high time, for the women and children and men in this province who are involved in matrimonial disputes, that all of their issues are dealt with in one court. The system we had before or that we currently still have in most of the province, whereby access-and-custody matters and support matters are dealt with in one court and the split-up of family assets and divorce in another court, is just unsustainable. It's confusing to people, it's more costly to people and anything we can do in order to get the Unified Family Court system going throughout this province we will do.

Don't worry about the additional five judges. Make sure that the 17 who have now been appointed, and the Senate has given its approval, are in place, and I'm sure the rest of them will follow right after that.

**Mr Bud Wildman (Algoma):** I listened carefully to the comments of my friend across the aisle.

**Mr John R. Baird (Nepean):** It's much better in person.

**Mr Wildman:** I was in the lobby listening to the television.

It seems to me that if the member wants to make the community safer, wants to make the family courts more responsive, then the member would be encouraging his government to ensure that programs that will support families and support kids are not cut. As long as we have less social assistance available for children, less child care available for children who need it, fewer children's mental health services, overall cuts to health services, cuts to the education system, then we're going to have difficulties and social problems in the future that are going to cost us a great deal more than if we had funded these services adequately today.

Whatever you do with the family court system, it's not going to do anything in terms of ensuring safer communities. It may, in some way, be seen as holding young people more accountable for their actions, but the very root causes of the social difficulties that families and communities face will be exacerbated by the budget cuts and program cuts that this government is forcing on the education system, on the municipal sector and on the health care system in this province, because they're hurting families, they're hurting kids and they're producing a bill that we're going to have to pay at a later date.

**The Acting Speaker:** Thank you. The member for Mississauga East.

**Mr DeFaria:** To the member for Algoma, I would like to indicate that our government has been in the forefront of providing services for children. In fact, our government was the first government that created a minister responsible for children's services in Ontario.

**Mr Wildman:** That minister is seen but not heard.

*Interjection.*

**The Acting Speaker:** Order, member for Kingston and The Islands.

**Mr DeFaria:** Our government has implemented initiatives for youth employment in rural Ontario. Our government is doing the best that any government has done so far for young people in Ontario. I can tell the member for Kingston and The Islands that the Unified Family Court was actually a symbol of the co-operation of the provincial government with the federal government in that the provincial government gave jurisdiction to the federally appointed judge to be able to deal with family issues, which prior to that time the federally appointed judge would not have been able to deal with. If he would just tell his friends in Ottawa to move on with the appointment of the remaining judges, we'll do our job here, which is to expand the Unified Family Court throughout Ontario.

**The Acting Speaker:** Further debate?

**Ms Annamarie Castrilli (Downsview):** I'm delighted to join in this debate. May I say at the outset that it seems to me there's an unusual amount of legislation coming from the Ministry of the Attorney General just in the past month. It certainly is quite a difference from what we've seen from this ministry in the last three years.

**The Acting Speaker:** Just take your seat for a moment.

**Mr Wildman:** On a point of order, Madam Speaker: I'm sorry to interrupt my friend, but I'm wondering if there's a quorum present.

**The Acting Speaker:** Clerk, could you check and see if there's a quorum, please.

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Downsview.

**Ms Castrilli:** As I was saying before we were interrupted, this is an unusual amount of legislation coming out of the Ministry of the Attorney General. It certainly rivals

everything the ministry has produced in the last three and a half years. I wonder why we are watching all this legislation appear, why the minister waited for the end of his mandate to do what he should have done in the very beginning. In the meantime, we've seen a justice system that has gone from crisis to crisis, and frankly the public's confidence in the system has been shaken by the inaction or the negative action of this Attorney General.

The purpose of this legislation is ostensibly to restructure the court system and facilitate the expansion of the family court. This government, it seems to me, is very big on administrative changes but a little short on substance. Where is the substance in this particular bill, and where is the substance on the real issues that are plaguing the court system in Ontario?

We've heard, for instance, announcements about new courthouses but none about new judges. We've heard announcements about the consolidation of family support services but no improvement in a system that has ravaged the lives of people by not providing financial support to women and children who are entitled to it. We've heard announcements about court blitzes, but serious criminal cases continue to be dismissed by the courts because they take too long to be heard. We've heard promises from the Attorney General that he would bring forward proposals re plea bargaining, but so far none have come forward. We've even had a bill introduced in this Legislature that sought to reform legal aid, but it just announced an infrastructure, with no indication as to how it is going to be funded or how the many other grave concerns put forth by the government's own task force are to be addressed.

And here we are again: another announcement but no attempt to use this opportunity to resolve the many issues put forth by those forced to use the family court system — by practitioners, by judges and by experts. If the Attorney General does not take this opportunity now to make substantive announcements about where he sees the future of the justice system in this province, then why not? And if not now, then when? When can we expect some answers to the real problems that plague Ontario's courts? We need strong leadership in this area, not empty gestures, not hollow announcements and certainly not rhetorical pieces of legislation. Put something substantial and positive on the table. Ontario needs an Attorney General prepared to fight for his ministry and for change that is long overdue.

**1540**

Let me deal in short with what little substance there is in this bill. Essentially, the bill makes some administrative changes to the Courts of Justice Act to put the Unified Family Court under the Ontario Court (General Division). This follows an initiative by the former government in 1995 which announced the Unified Family Court structure, providing for federal and provincial family court matters to be heard and services to be delivered all from one site. Begun as a pilot project in Hamilton in 1977, it was expanded to include London, Barrie, Kingston and Napance.

The changes that this Bill 48 would make are minor and are in fact contained in two schedules to the bill. The



differences between them are also minor. They revolve around the proposed change of name from the Ontario Court system to Superior Court of Justice and Ontario Court of Justice at a time to be determined by the Lieutenant Governor in Council. Essentially, one section uses the current names and will remain in force until the change of name takes place, while the other uses the new names in the event that the change-of-name clause is proclaimed before this bill is passed and proclaimed.

Schedule A and schedule B, both in section 1, state that the status of the head of the family court appears to have been lowered. In the old act of 1996, the head of the family court was the Associate Chief Justice. The new title will now be Senior Judge of the family court. This may be only a cosmetic change, but only the Attorney General will be able to tell us that and I imagine he will take the opportunity to do so. The Senior Judge is then to advise the Chief Justice of the Ontario Court with respect to the education of judges; practice and procedure, including mediation; expansion of the court; and expenditure of funds budgeted for the court. In addition, the commitment to meet from time to time with community liaison and community resources committees is affirmed. Judges from the family court may be temporarily assigned to hear other matters outside of the family court. As you can see, these are hardly weighty matters, given the very real problems that plague the family law court system and the justice system in general in this province.

Let me tell you what's not in the bill, because I think that's what is really important here. There's no mention of the importance of family law judges, that they have the necessary background to perform their job and the cultural sensitivity that is required in Ontario. When a family breaks up, we all know that it can be devastating. Access to the courts is slow and difficult. If that family is from a background other than French or English, their ordeal is all the greater. What is required is a judiciary which reflects the broad diversity that is Ontario. I mention that because this government's record in that area has not been good at all. The last report from the judicial appointments committee, which is dated December 31, 1997, makes this abundantly clear.

I'd like to read some interesting stats into the record. When you look at the number of women who have been appointed under this government to the bench in general, we've had seven until the end of last year. When we look at francophones, there has been one. When we look at First Nations, there has been one. When we look at visible minorities and persons with disabilities, there have been zero. That is a very telling indictment of this government.

I should think that I wouldn't have to remind the Attorney General to have an adequate number of judges, but also judges who have the necessary qualifications and cultural understanding. The justice that Ontario metes out is only as good as the individuals who mete it out, and the ultimate choice as to who those individuals are belongs to the Attorney General and his government.

I urge that the appointments of this government be ones that address the very real needs of Ontarians. It is

unfortunate in this bill, which deals with infrastructure, that we haven't taken the opportunity to say something very meaningful and real to the people of Ontario about what we expect in terms of our judiciary.

There's also no mention in this bill of the list of recommendations which have been made by the Family Lawyers' Association. I'll return to this point later because I think it's important that we hear from the professionals in this area at length, but I simply wanted to flag that point at this time.

There's no mention in the bill of how the concerns of the Provincial Auditor in his last report are going to be addressed. In particular, the Provincial Auditor outlined serious problems of mismanagement in the Ministry of the Attorney General, and I'll return again to this point a little later.

There's nothing in the bill that addresses the grave findings of the government-appointed McCamus task force that found that approximately 67% of family law litigants are unrepresented in court: typically, low-income women and children who cannot afford a lawyer.

I want to assure the government that we will be supporting this bill, but we have some serious concern about whether this bill will be able to assist in resolving the myriad crises facing the justice system or whether we are just dealing with cosmetics. Our fear is that is precisely what we are doing.

The issues I've just cited are not isolated ones. Let me outline some of the other challenges that are faced by Ontarians who want to access the courts or who have accessed the courts.

The problems with the justice system have been exacerbated in the last three and a half years. We've seen, for instance, unprecedented backlogs. The Provincial Auditor felt it incumbent upon him in his last report to note that one third of the 224,000 cases in Ontario in the Provincial Division had been on the docket for eight months or more. Under the Askov decision that we have all cited in this House previously, which is a decision of the Supreme Court of Canada, these cases can be dismissed. Any case that takes longer than eight months to get to court gets thrown out, and we've seen many instances of that in this Legislature. I've risen on a number of occasions to point out that individuals who were accused of rape, who were accused of assault, who were accused of drunk driving had in fact been released, have not had their day in court, denying justice to the victims.

Let me quote some of the Provincial Auditor's findings with respect to this because I think it's quite instructive. On the issue of backlogs, the auditor's report outlines a serious increase in the caseload of many jurisdictions in the province. Some of the worst statistics of cases in the auditor's report were in Ottawa, where 4,895 were in the system longer than eight months, at old city hall in Toronto 6,080, in Newmarket 6,679 and in Brampton 7,827.

The numbers are even worse if you look at the total cases in the backlog. For 1994, just to give you some comparison, the total number of cases that were waiting

more than eight months was over 43,000. At the end of this government's first year, in 1995, it was 59,000; in 1996, a whopping 70,000 cases. These are cases that are in jeopardy and could be thrown out, with accused people never being tried and victims who would never get justice.

Just by the by, the Provincial Auditor also raised serious concern about the ministry's lack of action in collecting fines as a result of convictions. According to the auditor's report, \$316.5 million remained outstanding as of March 31, 1997, \$200 million of which were fines imposed by the courts over two years ago. I need not remind the Attorney General, I hope, that this is money the government could be collecting. Instead, it chose to fund a tax cut by cutting millions of dollars from worthy programs rather than going after fines that it was entitled to collect.

To combat this problem, the Attorney General will say he instituted some blitzes, and indeed he has, blitzes that frankly have had very little effect on the end result, blitzes that have seen the appointment and reallocation of judges and crown attorneys, but they've been Band-Aid solutions because it hasn't been a permanent increase of judiciary and crown, and that's where the difficulty is. We have many more cases in the system, but we don't have the facility to be able to deal with them effectively.

**1550**

The Band-Aid falls off and we're in the same problem again until we put on another Band-Aid and so the system goes on. The Attorney General makes grand announcements about new courthouses that he will build but fails to tell us how he is going to people those courthouses. Are we going to have more judges? Are we going to have more crown attorneys? As a result, we have judges who have spoken out and prosecutors who have also spoken out because they are overburdened and disillusioned.

I'd like to refer to a very important conference that was held not too long ago by the Law Union of Ontario. It was widely reported. It's rather instructive to see what some of the professionals have to say. It's not just the opposition that is saying: "Enough. Something needs to be done." It's people in the system who have looked at it, who work in it, who are saying that something is rotten.

I'd like to simply quote a few of the participants of this law union conference: a judge, David Cole, who said, "Everything was reduced to getting the numbers through." Judge Cole was a panellist at that particular conference. "What most of us are doing is a lot of routine processing of petty offenders, most of whom are mentally ill." He goes on to say that what's really happening is that the court system is becoming a dumping ground for some of the social problems that are not being dealt with.

Judges and lawyers cited problems ranging from overworked and unprepared lawyers to the vast numbers of unrepresented litigants who are overwhelming the court system. For many, the clear solution was to restore funding to legal aid and the court system. Remember that we've had tremendous cuts in this area. I'll document some of those for you in a moment.

Judge Lynn King bemoaned the fact that recent cut-backs in legal aid means 65% of the family law litigants appear in court without lawyers, a fact that was borne out in some of the task force reports that were commissioned by this particular government. As a result, Judge King said she regularly witnessed the mind-boggling and tragic sight of unrepresented mothers agreeing to the demands of social welfare authorities without understanding the serious ramifications, all in an effort to get things done quickly and in a rush.

She said that it is no better in youth court, where a staggering number of teenagers unthinkingly agree to unrealistic or inappropriate bail conditions. "They inevitably end up breaching them," she said, "and are incarcerated until after their trial date," adding even more strain on a system that is very hard-pressed. "This is the state of the family law," she said, "and we are supposed to resolve these cases in a fair and equitable manner. You feel like you are a stage director telling people where to stand. You leave at the end of the day wondering what is going on."

The conference heard from many more, who said that the system is simply not working, that many family law litigants who represent themselves in court can barely string a sentence together, let alone file the proper court documents. That leaves judges with a very uncomfortable decision of having to try and assist litigants. Of course, that is impossible under our system. "Duty counsels," Judge King adds, "call out numbers from a list as if they were serving customers in a butcher store, hastily nailing down resolutions to complex domestic matters that are sometimes ill-advised."

These are very serious charges from a group of people that doesn't generally speak out. The judiciary in our tradition has been rather silent on matters that might have political ramifications. If they are prone to speak out in this instance, it is because there is no other solution left to them. They've seen a system that has been emaciated with cuts as much 30% in some areas, with support to victims being slashed, with crowns who deal with cases far beyond their capacity. We have some 425 crowns in this province who deal with something like a quarter of a million cases a year. That's an astounding number of cases to be able to deal with. I'll come back to what the crown attorneys themselves have had to say in a survey that was done by the crown attorneys' association with respect to this.

The conclusion of this law conference, in the words of one judge quoted very succinctly in the *Toronto Star*, was, "What we are doing is not working."

Then we get to the crown attorneys. As I've said, they are overburdened and they are having to deal with ever more complex issues in a much more limited time and in an environment of fewer and fewer resources.

It's interesting that earlier this year a survey of crown attorneys found that 92% of respondents felt they lacked adequate preparation time for criminal trials. This was a survey that was done of all the crown attorneys in Ontario by the Ontario Crown Attorneys Association.



Many of those surveyed said that they were unable to properly think through cases, conduct sufficient research or interview witnesses. One respondent remarked, "If the public were aware of how little time the system allows for preparation of cases of serious crime, they would be appalled."

Let me just cite some statistics from that particular survey. It found that 50% of crown attorneys stated that they are virtually never assigned out-of-court time in which to interview victims; 40% spent 10 to 20 hours extra a week preparing cases; 30% have less than two minutes to prepare for bail hearings.

So we are faced with professionals in the system who cannot cope. The report goes on to note the very serious physical consequences on crown attorneys as a result of their particular stresses and pressures within the system.

**Mr David Christopherson (Hamilton Centre):** On a point of order, Madam Speaker: Given the importance of the comments being made and the issue at hand, I think you would want to ensure there's a quorum and I don't believe we have one now.

**The Acting Speaker:** Clerk, could you check and see if there is a quorum, please?

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** Member for Downsview.

**Ms Castrilli:** The litany of sins that I have —

**Mr Steve Gilchrist (Scarborough East):** Start all over.

**Mr Bert Johnson (Perth):** Why don't you start over?

**The Acting Speaker:** Order, please. Come to order.

**Ms Castrilli:** I'd be delighted to start over if you'd like to listen to it, perhaps for the benefit of those who weren't here before, but I think I'll continue with another of the litany of sins of this government. I think of one that has attracted a great deal of attention in this Legislature, and that's the Family Responsibility Office.

I think it's pertinent to look at the facts: 97% of parents ordered to pay child support in Canada are fathers. Of these, about 76% of support orders are in arrears. Ontario fathers currently owe something in the nature of \$2.1 billion in outstanding support payments, and this grows by millions every month. It costs the province approximately \$300 million per annum in social assistance alone, in payments to families who are not receiving the support payments to which they're entitled by law.

Rather than trying to take matters in hand and making sure that things were dealt with at the local level, where there was much more immediacy and opportunity to resolve the problem, the government responded by centralizing the system, by closing the regional systems, but putting them all into one place which you can access through a 1-800. Try and call that 1-800 number on any given day and you will find yourself on the phone for a very long time. You have some dismal stories of women and children who cannot access monies that have been paid into the plan by their spouses and fathers, but some-

how cannot be given out to them, or in other cases they cannot get compliance with the orders they have received.

**1600**

The delays have been endless. The glitches in computers have been astonishing. In fact, the system was set up before the contract for computers was even tendered. Desperate parents became frustrated and are frustrated with futile attempts to get through to the family support plan on overloaded telephone lines, and there is always inadequate staffing to answer questions or resolve problems if and when they finally do get through.

The result of the office closures and delays in service is chaos for the system and has reduced support for a quarter of a million children. We had stories last Christmas of parents who wrote to us and said, "I cannot buy clothes for my children for the winter, I cannot buy toys, and yet my spouse has shown me his cancelled cheque of monies that were paid into the system, but that money is not getting out to us."

We could go on and on with cases of that sort. A woman in my own riding was having difficulty collecting some \$1,900 in arrears from her husband. She exerted great energy attempting without success to discuss this issue with someone in the ministry directly. Because of the problems with the new phone system, she couldn't get through to the central system. Nevertheless, she found out that the ministry had cashed a cheque from her husband but had failed to forward it to her until after inquiries were made from my office. It seems that in order for women to get justice with respect to this particular issue, they have to engage their MPP or someone who can go to bat for them, who can be their paladin, because it is difficult for ordinary individuals to access a system which was intended to facilitate the processing of such claims for ordinary individuals.

There are also cases of individuals who had never had any difficulty prior to the system, but once the system was erected were not able to get monies out, even though, as I've said, cheques were cashed. Monies were not flowing. It is impossible for responsible individuals to opt out of the system. If two parents wish to enter into their own agreement so they don't have to go through this mess the government has created, that's not possible under the current law. They are stuck with the mismanagement of the bureaucracy that we've seen so far.

Then we get to legal aid. That opens up an entire other can of worms. We've had introduced in this Legislature just recently a bill about legal aid. It's interesting because it speaks a lot about how this government is doing business right now and it speaks a lot to this particular bill, because what we have is a bill that's a shell. There's an acceptance that something needed to be done about legal aid. There's no question we've had a situation in Ontario where there have been overruns and certificates have been cut and certificates are not issued for very important matters. It's become quite an embarrassment for us when you have 67% of litigants in family court who cannot access the legal system in any real way, and therefore have to be unrepresented and have to take their case before a judge

without preparation. The results are often quite staggering for them.

We knew something needed to be done, we knew there was overcrowding in the courts, we knew there were unrepresented family litigants, we knew there were cost overruns, we knew there were cuts in certificates, we knew there was a decrease in certificates, and what did we do? We decided that the best way to deal with this is to create some arm's-length agency that would take care of legal aid.

Not a bad idea, except that's all we did. We didn't say how we were going to fund it. We didn't say with what we were going to fund it. We didn't say who was going to be appointed. Unless you're prepared to tackle those difficult issues, we're not going very far. If you're not prepared to equitably fund the legal system so everybody has a chance, then it's pointless and you will have exactly the same problems as before. If you don't have people in charge of the legal aid system who have the sensitivity and the experience and are not mere patronage appointments, the system will fail and we will be back in this situation.

I think the government's record in providing funding in key areas is quite clear. You can say to us: "This is a first step. We'll set up this corporation, this Legal Aid Ontario, and then we'll talk about the funding formula." My response to that is, haven't we heard this before? Isn't this what you told us about education? "Let's reform the system. Let's bring in Bill 160. Let's bring in Bill 104. Then we'll talk about the funding formula. The funding formula, we promise you, will be equitable." Tell that to the 600 schools in Ontario that are about to be closed. Tell that to the kids in my riding who are sitting in portables. Tell that to the kids in my schools where the paint is peeling off the walls but they can't do anything because there is no capital allotment.

We have a little trouble believing that we should trust you and that the funding formula will come for legal aid and it will be equitable and allow people to have access to the courts. We're a little sceptical, and we have a right to be sceptical. The people of Ontario have a right to be sceptical about what you propose to do with this.

When we look at what you've done with respect to justice, it becomes enormously clear that your aim is not to improve the system but your aim is primarily to cut. This is a government that pretends it is interested in stamping out crime and in protecting victims of crime — and I say that with all the greatest respect to some of my friends across the way who have tried to make an issue of crime — but the reality is that we're seeing alleged criminals set free. We've seen cuts to victims' services and often unconscionable plea bargains.

Why have we had to see three women come here to this Legislature and announce that they were suing the government because of their treatment as victims in the system of justice? This was surely an unprecedented step in Ontario and one that took great courage, but one that had to be taken because these women felt there was no other option to them.

The Victims' Bill of Rights: an empty shell. The criminal compensation board: cut.

**Mr Gilchrist:** Give me a break, Annamarie.

**Ms Castrilli:** I see I'm getting to the members across the way.

**The Acting Speaker:** Member for Scarborough East, come to order.

**Ms Castrilli:** I thank the member for Scarborough East for actually listening. I'm impressed.

In the last year the Attorney General will say he has increased his budget, but at the same time, if you look at the facts, the cuts to his ministry in 1997-98 include a whole host of measures, including cuts to the special investigations unit for the second year in a row. He disbanded the police complaints commission in October 1997, allowing people only one way to complain, and that is to go to the police themselves; that failing, the only other avenue would be to go to the courts. They've cut \$43,000 from the Criminal Injuries Compensation Board, which provides compensation and financial assistance to the families of those who have been victimized by crime. Now, \$43,000 may not sound like a whole lot in one year, but if you look at the total since 1995, the cuts are more dramatic — \$1.2 million. They've cut \$1.5 million from legal services and victims' support and another \$9.8 million since 1995 from the Public Guardian and Trustee Office. So it's hard to believe that this is a government that cares about victims of crime and that cares about doing something about crime.

You have enormous cuts in the justice system not allowing the justice system to do its job, to punish the criminals. At the same time, you're cutting back in ways that would assist the victims and allowing them no opportunity to be able to bring their cases forward in a non-civil way, because you've taken away all those tribunals that used to exist for ordinary citizens.

Need I say that you've also cut the Ontario Human Rights Commission and you've also cut the Ombudsman's office. All of those vehicles that people could access without going to the court system you have cut or demolished. That basically means that you leave the courts as the only recourse for many people, and then you make it difficult for them to access in a whole variety of ways.

At the same time, interestingly enough, the costs of court services to the public have increased, so you are forcing them to go to the courts and then making it very difficult for them to do that. It now, for instance, costs more in Ontario to file for a divorce, to file for a statement for claim, to file for a statement of defence, to file for a summons for a witness. You name it, it has been increased. This government has imposed new user fees on people who need access to the justice system that make it even more difficult for them.

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It's kind of interesting that just this week we've had a decision on some of these fees and it will be interesting to see how that plays out. I refer, of course, to the Eurig estate decision that was rendered by the Supreme Court of Canada earlier this week, a very interesting decision



because it talks about probate fees. The court said: "We're not sure they're really fees. They're really a tax that you're calling a fee."

It isn't a fee because a fee has to be equivalent to the services provided and there are no equivalent services being provided for the amount of probate fees that we are charging in this province. The probate fees have tripled in the last while, leaving individuals to pay a death tax, not a probate fee, and the court quite rightly said that this is unconstitutional and beyond the scope of the province to do by way of regulation; that if you want a death tax you'll have to come to the Legislature and you will have to bring an appropriate piece of legislation. You cannot do things behind closed doors by regulation.

Again we kind of go back to what has been happening in this Legislature where more and more has been centralized. More and more has been put behind closed doors. More and more is being determined by ministers and Lieutenant Governor in Council by regulation.

It will be interesting to see how many of these fees will be challenged, how many of them will be found to be taxes and how much of the power you're exercising now is constitutional. When you think about the various pieces of legislation that you've brought in this Legislature which purport to take away that ability of Parliament to discuss tax issues, I think it will be a very interesting time. The Supreme Court of Canada has rendered a very important judgment which we will have to look at and which we will have to be cognizant of.

I want to spend some time on the particulars of the family court system because, after all, this is a family court bill. It is an area where we see the problems that we are facing in the justice system are in fact exacerbated. The Family Lawyers' Association, judges and ordinary people have consistently decried what is happening.

I will start by quoting the Family Lawyers' Association in their brief to the McCamus committee. You'll remember the McCamus task force was one of two task forces that the Attorney General set up to deal with the issue of legal aid after we on this side pressed for some answers as to what was happening in that very critical area. In their brief to the McCamus committee they state:

"It is clear that low-income Ontarians have urgent needs for effective legal services in the area of family law. Parties involved in family law disputes deal with fundamental issues affecting their children, support and property division. These cases often involve issues of safety for both the parties and their children."

That's the nub of the matter. Family law is unlike other kinds of law. It often deals with very much the most vulnerable. It deals with children; it deals with women; it deals often with not just property disputes but also cases of custody and abuse and children at risk.

There's a quote from a famous British judge who opined that "Justice is open to all, just like the Ritz Hotel." It's interesting to think of that quote when you look at what's happening in Ontario today because in Ontario that is what's happening: Justice is open to all, like the Ritz Hotel. If you can pay for it, you have access.

You will be able to afford the lawyers. You will be able to pay for the court costs. You will be able to get your day in court. You will be able to wait it out. But if you happen to be poor, low income, middle income, those opportunities are not open to you. They are not available to you in any real sense.

I think that is a sign of the times here in Ontario, that really, and it's trite to say, we've become a society of haves and have-nots. That is precisely what has happened. Those of us who are privileged, those of us can afford it, will be fine under this government. Those of us who are on the brink, those of us who have mortgages to pay, those of us who have children in school, those of us with elderly parents, will not be fine under the measures that are taken by this government, and this you see over and over again in the family court system and in the court system as a whole.

Traditionally, women have received approximately 70% of the family law legal aid certificates that are issued in this province. Primarily this appears to occur because women either have no income or have a lower income than their spouses do. It's kind of interesting, just on that point, to hear what the Family Lawyers' Association describes as real challenges in family court as they describe the lack of equality between the spouses, the power structure that obviously favours those who have money, the power structure that favours those who are not immigrants, who don't have language and cultural barriers. The needs of those individuals are often in jeopardy in a system that doesn't allow them to be represented.

It's a very trying situation. As I said at the beginning, in this particular case they're also dealing with the emotional hardship of a family that has broken up, of children who are just devastated by it, of financial hardship that can come from the division of assets, if there are any assets, the absolute turmoil of losing your home, in many cases, because you can't afford to make those payments.

It's at that very time that people need the most assistance, that they need the sensitivity of the justice system to help them through. Instead, what they find is a system that has crown attorneys that can't deal with them, they don't have the time. They can't access a lawyer through the legal aid system because certificates aren't available to them and they're thrown to the wolves, without any disrespect to the judiciary, but they are thrown in situations with which they are not familiar and they find themselves in very grave circumstances and often with very unjust results.

The McCamus report, as I've said, found that 65% of family law litigants continue to be unrepresented in courts. The bulk of those are women, which accounts for about 77% of all family law clients in the province. Judge Lynn King, who I quoted before, says, "You see, this is the state of family law, and we are supposed to resolve cases in a fair and equitable manner," and I can understand the frustration of a judge trying to do her level best with no resources available to her, in the face of ever more complex cases.

The throttling of the legal aid plan has made it impossible to spend adequate time on most cases, unless a law-

yer is willing to work for free. In 1996, the Ontario legal aid plan issued some 74,792 legal aid certificates, which represented a drop of 41% from the year before; hence the increase in unrepresented litigants before the courts.

Family law has been one of the hardest-hit areas since the caps on legal aid were introduced. In 1996, the number of certificates for family law litigants dropped 75%. Family lawyers are saying that principles of justice, like fairness and equal access to the courts, come second to fiscal restraints. This has been stated by others. It has been echoed many times, not just by the practitioners but by very sedate individuals who don't normally speak out, members of our judiciary. There are numerous articles that have been written on our judges speaking out because they simply didn't know what else to do. Chief Justice McMurtry in fact took the unprecedented step of writing an article for the *Toronto Star* where he indicates that the funding crisis actually threatens the courts.

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It's unprecedented when courts say that our system is in tatters. It's unheard of that our judiciary goes beyond the bench to attack the government in public because of the mismanagement of the justice system, when they say that the courts are in tatters, when vast numbers of litigants are unrepresented. As I've said, this is not the opposition. These are very sensible individuals, very sober individuals, who care passionately about the work that they do.

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** They were all in APEC.

**Ms Castrilli:** Well, Roy McMurtry was a member of your own government, I would say to the member opposite, and you have to listen when he says, "While lip service is paid within the ranks of the government to the importance of the justice system, the priorities are elsewhere when it actually comes to allocating funds." I don't think he minces any words and I don't think you can dismiss him when he says what he does. It's a very serious indictment indeed of the way that this government is proceeding in a very critical area.

The Family Lawyers' Association have been very forthcoming and very vocal in their view of what's happening. They have made it no secret that as far as they're concerned the family court system is in a state of chaos. In fact, in their various submissions they have noted that we now have a province in which individuals are unable to assert their rights in family law matters pertaining to the welfare of their children and families. This goes to the very core of a democratic society, and I think they're right. It is at the very core of a democratic society who can insist on their rights and how those rights can be insisted on. We have come, I hope, a long way from the feudal system where only the rich had rights and everyone else did not.

But because of the cutbacks and capping of legal aid funds, what we see is that people who have family law issues, unlike in other areas, have been hit by a double whammy. Eligibility for family law certificates has been restricted to only the highest priority cases, that is, those

that involve children who are at risk or where a children's aid society is involved. The number of hours family law lawyers have been allowed to bill has been severely restricted. That has caused, as you know, some lawyers to threaten to sue the Attorney General for not paying their clients' bills; again, unprecedented steps, unheard of in Ontario, unheard of in western society.

What have the results been? In a report by a working group of lawyers that came out recently, a Provincial Division judge and a social service agency in the London area have made a number of shocking discoveries.

First, there has been a sharp increase in the number of unrepresented litigants in the family court system. That should come as no surprise to anyone because that has been documented over and over again. The law society has suggested that this number could be as high as 80% in some jurisdictions. Second, they found that the number of women remaining in or returning to abusive relationships is growing. Third, there has been an increase in some cases of inappropriate use of duty counsel in family court cases.

In 1995, when this government was first elected, the Battered Women's Advocacy Centre in London did a study on the number of women who reported living with an abusive partner, and it's rather instructive to review those figures. The study surveyed 426 clients. In 1995, 20.6% reported living with an abusive partner. In one year the number jumped to 33%, fully one third of the women in the study.

One has to ask why women are returning to these abusive relationships. Why aren't we assisting them as a society to move on, to free themselves, to become independent? I think the reasons are quite obvious. If you look at the cuts in welfare and family benefits, how are women supposed to leave an abusive relationship when there's nowhere for them to go, when there are no support systems for them to go into? When you cut welfare and family benefits that affect this particular segment of society, you create real havoc. You force women into a position of, if not bondage, close to bondage because they have no choices open to them but to remain.

I think it's obvious that another reason is lack of second-stage housing. Where do they go? Virtually all of the second-stage housing has been closed and shut down in this province since this government took over, leaving women again in the uncomfortable position of having to remain in situations that they know to be dangerous but cannot avoid.

Third is a concern that women without legal aid funding and without a lawyer could lose custody of their children if they walk out of an emotionally abusive relationship, a very serious problem. Imagine if after all a woman does to summon up the courage to leave, even in the face of no money and no resources available to her once she leaves, she then loses the battle in court for the one thing that she has left: the love of her children. This is very serious. There is no question that we have some very difficult problems ahead of us.



The Hamilton Spectator found that the problems for children in family courts are even worse than the ones that face women. They published an article on October 16 of this year, as a matter of fact, entitled, "More Cases are in the System, but Delays are Growing Longer." It's an interesting article because it goes into quite some detail about children and what they are experiencing in the system and really talks about the most difficult cases of all: children at risk.

They state that the number of children that were removed from their homes and placed in the care of a child protection agency climbed 8% in 1997 over 1996, which amounts to 1,500 children province-wide. Court orders were required in each case, and statistics from the Attorney General's office indicate that there were about 2,000 more applications filed to Ontario's courts under the child protection law in 1997 over 1996, which represents a 13% increase. Hamilton alone saw a 10% increase in those applications to Unified Family Court.

The caseload for the Ontario Children's Lawyer, the office that represents children in family law matters, has climbed by more than 15% in each year. But remember that the numbers of lawyers have remained constant, so that means an additional workload.

The executive director of the Ontario Association of Children's Aid Societies has decried this and said that the public, government and people are demanding that the system be held accountable when a child falls between the cracks. I think that's right. We all want to make sure that children are well taken care of and that they don't fall between the cracks.

That means that we need to make sure, first of all, that children are adequately represented in these particular cases, that they don't get caught up in lengthy court proceedings as the courts become more bogged down with cases. Sometimes cases stretch for five or six days once they even get to court, and we're talking about very small children that are very, very difficult. This of course stalls decisions that need to be made for a child's future.

Children are in jeopardy because they are least able to speak for themselves. I raise this issue because it's not one we talk very much about. It's not very fashionable to talk about kids who have problems in our system, but it's those very children we have to pledge to assist, because it is those children we need to pay attention to to make sure we don't see them again in our prison system, in our social welfare system. The courts, unfortunately, are making the problem worse, and the kinds of inaction that we see on the part of this Attorney General and the lack of attention towards children who are truly at risk is quite appalling.

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I did say at the outset that we will support this bill, but one says it with a very sour taste in one's mouth, if I may say so. This is another example of a piece of legislation that is really nothing more than a shell. We will support it but we will want answers. How does this government really intend to ensure equitable access to the justice system by all Ontarians and not just the wealthy? How will an expanded family court be funded? What

assurances will they give that those appointed to the family bench will have the necessary experience, sensitivity and characteristics of the broader population of Ontario? What will they do to ensure that there is a turnaround in the crisis they have created for a whole host of people?

I want to remind this government that a former Attorney General, Roy McMurtry, now Chief Justice of Ontario, said something during his tenure as Attorney General that I think quite profound. He stated that as Attorney General of Ontario he had a "historical and constitutional responsibility to ensure that civil liberties are protected." He quoted Seton Pollock, a famous English jurist, and agreed with him that, "It is the corporate responsibility of a community to see that none of its members are excluded from the rule of law."

We have a situation here, ladies and gentlemen, where many individuals in our corporate society are excluded from the rule of law because we have made it difficult for them to have a lawyer, to get through the courts, to insist on their rights, to see that justice is done. I would remind this Attorney General of this historical responsibility. That's what he was elected to do. That's what he was appointed to do.

I urge him to take to heart the words of Mr Justice Martin, another famous jurist, who said: "We live in a society that is deeply committed to improving the material welfare of all, to providing essential medical services and to ensuring equal opportunity for education. A society so committed will not tolerate the lack of adequate legal representation for those without the means to secure it for themselves."

I think that's an apt note on which to end. Let us all be mindful of the fact that the people of Ontario expect us to be mindful of all their rights, and while we will certainly support this legislation, we will expect you to do more than just give us shells and rhetoric.

**The Acting Speaker (Mr Gilles E. Morin):** Questions or comments?

**Mr Len Wood:** I listened attentively as the member explained some parts of the bill that she's able to support and some parts that are troublesome. Our party is of the same opinion, that at a time when this government is talking about justice and changing the justice system there are a lot of problems that they've created out there with women and how women are being dealt with. If there's a particular woman who wants to have a subpoena or court orders issued against her abusive husband, she now, as our party has pointed out during question period, has to deliver the paperwork on her own and as a result gets targeted and beaten up or run over by a car, as happened in one particular case.

The cutbacks that are happening in education and health care create large problems for society in general. A lot of the areas that the member has talked about expose people to those problems and it's a direct result of cutbacks that have happened.

Under the NDP government, we established a new family court system in the province and created four pilot

projects, but I understand that those might now be slowly phased out. Imagine that when you're dealing with young offenders you put them into boot camps where they come out as hardened criminals.

Some of the things that this government is moving on as parts of this bill we don't have any problem supporting, as the critic for the Liberal Party has pointed out, but there are problems that we want to point out as well as we start speaking on the bill.

**Mr W. Leo Jordan (Lanark-Renfrew):** I'm pleased at this time to respond to the words of the Liberal member, who has to some degree approved of parts of the bill and then has difficulty with other parts. I don't want to be partisan but that pretty well stands with the Liberal assessment of much of our legislation that we have brought in.

I just want to point out that this bill has one very important aspect to it, and that's the mediation factor, where you can have a mediator appointed to deal with these marriage problems before any separation takes place. The member, with all due respect, pointed out that we weren't providing sufficient legal assistance. I'd just like to say that if the mediator is used properly before any lawyers get involved — people come to my own constituency office and, believe it or not, the differences at the time they first come in are not all that serious. You can often find a common denominator to allow them to renew communication on the issue.

Now that we have a Unified Family Court, if it has to go that far, it will make it much easier and less costly for the people involved. Of course our main interest, with all parties is the children, who we have to put first.

**Mr Bradley:** If the member only had more time, she'd be able to address this, but she must be wondering, as I am, whether the government is going to embark upon an advertising campaign to sell this particular piece of legislation. If the government were to follow what it's doing in other areas, it would be spending tens of millions of dollars on government advertising of the worst kind, the most self-serving, outrageous examples of government advertising one way or another.

You know and I know that every time you open up the newspaper, there's another picture of Mike Harris, at the cost of the taxpayers of Ontario. I know Gary Carr's mother, who is always watching this, will be very worried about this because she has to pay part of that.

I am worried because I hear the government has now purchased all kinds of time on television next month to start yet another campaign. I'm now getting calls even from the taxpayers coalition members who to this point in time have been silent. The cat has had their tongue. I am now getting calls from these individuals saying: "We're even outraged. We like these people, or at least we used to, and we're outraged now with all the government advertising we're seeing."

They open up the mail box, they pull out a pamphlet and there is a piece of government propaganda. You can put your name and address on it. I think it goes to Tory headquarters and they send out more propaganda. Or you

turn on the radio when you're coming into Queen's Park, to the Legislature, and you hear government advertising. You turn on the television set and you get more government advertising. There's carpet bombing of this province with advertising, all paid for by the taxpayers of this province.

I know Mrs Carr in Etobicoke-Rexdale will be a person who is very concerned about this. She'll be telling her son about this and demanding that this government not engage in this kind of advertising.

**Mr Wildman:** I want to commend my friend for her remarks and her reasoned description of this bill and some things that she supports in the bill and others that she has some reservations about.

I must say I'm a little bit surprised at the — well, maybe I shouldn't be. I was going to say I was surprised at the comments about the presentation by the Liberal member by the member for Lanark-Renfrew. I think I know what he meant, but surely it's not surprising that in a bill of this sort there would be some portions of it that members from all sides could support and other portions they might not think were necessarily fully acceptable. To be fair to my friend, I think she was being quite reasonable in her approach, in saying, "There are some developments here that are good and supportable, but there are others I have some concerns about." That's what the process is about; that's what we're supposed to do in debate.

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Hopefully it will mean that the government will allow this matter to go to committee where we can have further discussion in a more informal way about the various parts of the bill, and perhaps put forward some amendments and suggestions for change. That's the way it used to work in this place. I know that over the last few months and the last couple of years it hasn't worked that way. The government never goes to committee unless they have full agreement with everything in the bill first. Only then do they go to committee. If there's any controversy about a bill, any question about certain parts of a bill, this government tends to ram it through with time allocation so there can't be real discussion. That's not what I understand by democracy.

**The Acting Speaker:** Member for Downsview, you have two minutes.

**Ms Castrilli:** I want to thank the members for Cochrane North, St Catharines and Algoma for their comments, but I'm really surprised at the comments by my colleague from Lanark-Renfrew. I was trying to put forward a very direct case of some improvements that should be made to the bill. I believe it is a function of this Attorney General to bring forth legislation, and I believe it is my function as a critic of the Attorney General to assist him in coming forward with a bill that is as perfect as we can possibly make it. I hope we have the same result, which is a better justice system and that we're not just playing partisan politics. If you construed my remarks as partisan politics, let me assure you that nothing could be further from the truth.



What I have put forward today is a case that has been made by others, not just by the opposition. It's been made by the women who need assistance in the courts, by children who are at risk, by judges, lawyers, practitioners, social workers, the children's aid society. I have given you copious evidence of difficulties in the system that need to be addressed that this bill does nothing to address.

My worry is that we're embarking on a series of legislation with this ministry at this time, and we've seen some examples here in the last three weeks, that is nothing more than rhetoric. We set up legal aid corporations, we set up a name for the family court structure, but we do nothing to change the endemic problems that plague the system. We've done nothing to appoint more judges, nothing to have more crown attorneys, nothing to give more access to legal aid to people who need it. None of those have been addressed, and that's only the tip of the iceberg.

I'm disappointed with the member for Lanark-Renfrew, that he misconstrued me. What we're trying to do here is have a better process and it is in that vein that my comments —

**The Acting Speaker:** Thank you. Your time has expired. Further debate?

**Mr Christopherson:** I appreciate the opportunity to comment on the debate. I confess right up front that mine is going to be a very partisan speech. I make no attempt to be writing the legislation for the minister. I am going to criticize this as best I can, which is my sworn oath to do, and if nothing else, will at least try to keep members awake if not onside.

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** Are you going to shout?

**Mr Christopherson:** If I need to, I'll shout, but I'll try not to start that way.

**Hon Mrs Marland:** Because I've already got a headache.

**Mr Christopherson:** You've already got a headache? I'll make you a deal, Margaret: If you don't provoke me, I won't shout.

**Hon Mrs Marland:** All right, I won't.

**Mr Christopherson:** All right. I should have added "and your colleagues," because that was too easy a deal for you.

**Hon David Turnbull (Minister without Portfolio):** Too late now.

**Mr Christopherson:** But you're right. We'll see how well I do in keeping my side of the commitment.

The first thing I'd like to say is that indeed I'm a very proud Hamiltonian, to the extent that the first Unified Family Court was in my hometown of Hamilton, and that was of course in 1977 when the original concept was brought forward that it would be an improvement in the justice system were we to extract or isolate family law matters from all other legal matters and place them in their own setting, in their own courthouse, with their own set of judges. That was for a very good reason. Family law had changed, and did change, dramatically over the last two decades and some years prior to that. There was a recognition that those changes were making family law more

and more complex, to the point now where, I would suggest, if we didn't have a Unified Family Court system it is indeed something that the evolution of family law would have forced us to do regardless.

I compliment the government of the day in 1977 for having the foresight to recognize that this was an area of growing complexity, of growing importance, and that we needed to be planning for the future. Of course, I would compliment them on the wisdom, the absolute, crystal-clear visionary wisdom, of selecting Hamilton, a place where you can never go wrong in terms of planning for the future and adopting new ways. Quite often, I would point out to members of the House, we are chosen as a community for pilot projects in many different disciplines of government for that very reason. We're large enough that we have the complexities of big cities, and yet we are small enough, just under 500,000 people region-wide, that we still have that small community connectedness, particularly as we talk about the planning of community, the overlaps of responsibilities and the fact that those overlaps need to be co-ordinated and brought together if you're going to improve systems that tend to get larger and a little more unruly and a little more unclear. Of course, that's where inefficiencies come from. I would be, again, remiss were I not to stand as a Hamiltonian and say how proud I am.

I would also point out to the members, just to give credit all around, because I'm going to end up giving credit to the NDP government — a big surprise — but having started giving credit to the Tory government of 1977, back when they were real Tories, someone who at least had some semblance of a heartbeat in there that you could find and monitor if you really, really searched, unlike this government that clearly has no heart whatsoever. I'm still not yelling, Margaret, you notice?

**Hon Mrs Marland:** And I'm still not interrupting.

**Mr Christopherson:** And you're still not interrupting. I thought you were going to say you're still not interested.

**Hon Mrs Marland:** Oh, no. I'm interested.

**Mr Christopherson:** I think you'll find this interesting, Margaret. What I wanted to say was, in terms of the Unified Family Court, after the pilot project was clearly going to become entrenched and there was going to be expansion, then there was a search for a permanent home for it. At the same time, our old Carnegie library, a beautiful old building, a landmark right next to our beautiful city hall, was being vacated because we were building a brand new central library in downtown Hamilton. I happened to be on city council as an alderman at the time the decision was made about whether or not we'd save this building.

Members will know that in communities when these sorts of things happen there can often be a real tussle between those who want to embrace and remember the history of our communities and those who feel that the economic need — and I'm trying to be fair in presenting this — of a local community in a given specific instance requires that that building be demolished and that something else go in its place and regret that but feel that it's

important. I was on the side of those which wanted to preserve the building. As I recall, it was by only one or two votes that we saved that beautiful building.

I now come to my credit to a second party who has had power in this place, and that is the Liberals of the time, the Peterson government.

**Mr Garry J. Guzzo (Ottawa-Rideau):** How about Cops Coliseum?

**Mr Christopherson:** I'm not going anywhere near Cops Coliseum. I'm not going to touch that, other than to say it's another beautiful landmark in the city of Hamilton. But I do want to say, Speaker, and as a member of the party that I'm about to compliment, I know you'll be interested, that during the Peterson government, after quite a number of —

**Hon Mr Villeneuve:** Where are they?

**Mr Christopherson:** I know, there are none in the House, and that's a shame, because I did want to ensure they heard that one can be complimentary when we go through these things.

There were a lot of arguments made that, the city council in its wisdom having preserved this building and prevented it from facing the wrecker's ball, one of the things we ought to consider was a new home for the new Unified Family Court courthouse. There, again, the benefit of the kind of community that we have in Hamilton and Hamilton-Wentworth, we were able to co-ordinate the kind of pitch one needs and apply the right kind of pressure and talk to the right people and, most importantly, make the right kind of public argument about the proper usage of civic facilities as well as the expenditure of taxpayers' money.

As a result of that, the Liberal government of the day, again to their credit, gave the go-ahead that we would indeed preserve that building and expand on to the back, keeping the entire facade of the building and much of the beautiful interior intact, as originally crafted by the craftsmen of the time. Of course, those were the people who were trained under the old apprenticeship laws, the ones that you're deep-sixing. Those were the folks who had hand to material and gave us this beautiful building. We were able to preserve that and expand a new design on the back, and the two married really well. It's a beautiful facility.

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I urge anyone here, especially those who visit Hamilton — government members, if you're in Hamilton for any kind of business and you're at city hall, take a look just to the east, on the same side as city hall, and you'll see the old Carnegie library that is now the Unified Family Courthouse. I think you'll agree that that was the right thing to do for the people and community of Hamilton-Wentworth, but it was also the right thing to do in terms of unifying the family courts in one place and providing them with their own facility to do the important work they do.

As to the details of the bill itself, one of the things I want to comment on — and I know that my colleague the former Attorney General has great experience in this area. As a former Minister of Corrections and Solicitor

General, I've had some experience in these areas too, and I want to share her concerns about the removal of parts of the Young Offenders Act from the family court. I understand that there are judges also who have expressed concern.

I want to remind this government that as much as they like to brag about law and order and that they're the only ones who care, the fact of the matter is that there is a great deal of hypocrisy in the positioning that this government takes vis-à-vis the reality of what's happening in our society, not the least of which is, of course, giving 12-year-olds guns; your support of capital punishment when we have growing cases like Morin, Marshall and Milgard, who, quite frankly, under your kind of thinking would be dead even though they were innocent.

Your whole position around red light cameras, that's all just your concern about being tagged as being hypocritical on the issue of photo radar, because you were so opposed to that. You saw it as a populist issue, thought you'd run on it, and now you're stuck. Now you've got this issue of red light cameras being proven to make for safer streets in our communities, but you have to oppose it because then the next question will be, "Why don't you take the next step and go into photo radar?" You don't want to appear to be flip-flopping. So poor Tony Clement gets up every once in a while when he's asked, sort of hung out there to dry, twists in the wind and does the best he can to come up with some kind of flim-flammy position and then sits down, praying that the media has already left the room or that it's time for another minister to be put under the laser beam.

I would be remiss if I didn't mention the fact that the 213 recommendations from the Arlene May coroner's jury are a matter that you have not dealt with at all. Not one of those recommendations has been implemented. You've done nothing about those recommendations that deal with women who face abusive partners, and die in many cases. There have been deaths since and you've done nothing about it.

I want to say to you that I think you have an awful lot of hypocrisy on law and order to answer for, and I think you're going to find that flushed out as the election progresses.

**Hon Mrs Marland:** You can't say "hypocrisy."

**Mr Christopherson:** I've been very careful, Speaker, in how I framed my use of the word "hypocrisy." I have tried to remain within the parliamentary rules and obviously I think I've succeeded.

One of the concerns about removing it, aside from the bumper-sticker slogans about being tougher on crime, is the fact that young people face a lot of different circumstances than adults, and there's a recognition of that, I think, even by most of your people, the government members, although there's nothing that would surprise me with you in these matters.

The fact is that oftentimes, in fact I think the majority of times, there is a history of emotional abuse in the family home that these young people have emerged from, sexual abuse and other physical abuses, and they have an impact



on a young person's ability to be rehabilitated — again, another word you've dropped from your vocabulary; it's all punishment, punishment, punishment.

You know what? There are times when all society can do is to give a fine to someone or extract some kind of a punishment in the hope that's enough, but when we're dealing with young people and the opportunity we have — usually only once. The first time we intervene is our greatest opportunity to change that young person's life, where we can have a meaningful intervention. I'm not talking about namby-pamby programs that some of your backbenchers like to point to. I'm talking about meaningful intervention where, first of all, you get them back into some kind of school setting and get them back on the school course. If they've got an alcohol or a drug or other substance abuse problem, get them off that. Start getting them thinking clear-headed.

If they've got a situation at home that clearly is one you don't want to return them to, then start making arrangements and plans for that young person to go into a setting that's going to be supportive rather than damaging, and provide sentences that allow, where possible, the young person to stay as connected with the community as possible. There are situations where that is not possible. There are situations we can all point to when we look at the headlines that point to monstrous acts. But there are provisions to move young people into adult court when that happens. There are tools there.

I'm talking about the vast majority of cases that, especially at first instance, with a very young person, are relatively minor, and I say that advisedly. Nobody likes to have their window broken and nobody likes to have something stolen off their back porch. But within the context of the kinds of crimes that are possible, that humanity, unfortunately, is capable of, these are relatively minor.

Our concern is that placing those matters in the family court system originally was a good idea. It allowed us to take into consideration that you must look at the family environment of a young person who is within the criminal justice system if you're going to give them fair, democratic justice — for them, unlike an adult. The family situation can play a role, but I think all members would agree it's not as significant as it is for a young person, for obvious reasons that I don't need to spell out here.

Now this government has brought in boot camps, and also of course keys to get out on the night before you cut the ribbon to those boot camps, but you've opened up these boot camps with this whole idea that that's what you're going to do. You're going to straighten those young people out. A good, swift kick in the rear end ought to just straighten them all out. Possibly, for a very fraction of a percentage of the total, maybe it would. Two years ago the evidence was clearly unclear. Now I think it's becoming clearer and clearer that the evidence is it doesn't work. Yet this government marches full steam ahead. Why? Not because it's in the best interests of young people, not because it's in the best interests of the criminal justice system, not because it's in the best interests of our

community, but because it's in the best interests of their politics, because it plays well to bumper-sticker sloganism.

That's our worry here, that that's what driving this, that kind of mentality, that political mentality around these so-called law-and-order issues as opposed to the proper administration, carriage and evolution of one of the best justice systems in the world.

By moving that out, you put it back into the adult system. A lot of that expertise that's there in the family court system, attained because of 20 years' experience around family situations, around what you can do when families break up to try to mitigate some of the damage children face — certainly in the case of young people who are now into the criminal justice system, it has to have played a role, particularly if it's the majority of cases, as I've mentioned, that have the kind of abuse that exists. We have real, serious concerns about what that will mean at the end of the day for our criminal justice system, particularly young people, and at the end of the day, the safety of our communities.

#### 1700

Like my colleagues in the NDP, I have an awful lot of trouble trusting this government when they make any changes to the administration of anything that affects families, particularly as a result of their disastrous handling of the Family Responsibility Office.

If I had more time, I'd raise a particular case in my riding. I don't have time now, but it will be there. It will come up in another speech, I guarantee you, because it's an important case. It deals with Rev William Glenn Empey, a constituent of mine in the heart of my riding who has been wronged beyond belief by the Family Responsibility Office, strictly because of the mismanagement of that office, because this Attorney General shut down all the regional offices and laid off incredible numbers of staff before he was anywhere near ready to make the transition from the old system to the new. He was told ahead of time that these things would happen and didn't care. He said it was more important to get the money out of the system because he had to pay his bit from his ministry into the central fund towards the infamous 30% tax scam.

As I have said, I will get into some of the details of what happened at a more opportune time, because I think it's important that we understand that, yes, women were hurt, and hurt unfortunately in far greater numbers than men, because it's women who need the system — that's just the stats — but it is the males of our society who are also being hurt. You have damaged virtually everyone because of the way you have mismanaged the Family Responsibility Office, and I will bring that forward.

At the end of the day, as I get into my final moments, let me say that we have some of these very serious concerns. Where we'll be at the end of the day will depend in large part on how these concerns are addressed and just how much this government is prepared to take steps to offset those, I believe, very legitimate concerns.

I close with support for the concept of the Unified Family Court, its whole system, the concept behind it, the need for it and the fact that it does work, as exemplified by the pilot project that began in my home town of Hamilton in 1977, of which I remain eternally proud.

**The Acting Speaker:** Questions or comments?

**Hon Mrs Marland:** I'm quite sure that if I were a betting woman, which I'm not, the member for Hamilton Centre in the final analysis will vote in favour of this bill. I'm pleased to hear that you're happy about the experiment that took place in your riding, because how could anyone in this place vote against anything that facilitated probably the most difficult experience a family could ever have, and that is being involved with the judicial system.

It's the Unified Family Court that at least in some ways helps those families. It doesn't help them from the fact that they have to be there in the first place, but to make it easier for parents and children. Of course, with my hat as minister responsible for children, I'm grateful to see that our government has decided to go ahead with expanding the unified court.

I know the member for Hamilton Centre is aware of all the huge, strong support that comes from the community agencies, the advocacy groups, the judges, the lawyers and the court staff. They are the people who know what a traumatic experience it is for these families to go through that process.

While we're talking about new things that our government has done to help children and families in the process of being in court, we also have this wonderful new witness assistance program where we help prepare child witnesses for their court appearances — again a progressive move by the government of which I'm very proud.

**Mr Michael A. Brown (Algoma-Manitoulin):** I'm most impressed by the comments from the member for Hamilton Centre. I know, though, that if he had been allowed some more time, he probably would have liked to talk about some of the deficiencies we are seeing in the justice system here in Ontario today.

As I pointed out repeatedly in this Legislature, in the district of Manitoulin, for example, we have been without a crown attorney for some time. The district of Manitoulin I believe would be the only judicial district in the province to be attempting to function without a crown attorney. It seems to me, and it seemed to the people of Manitoulin, that a crown attorney based on Manitoulin Island would be more conversant with the community, more conversant with the need for justice on Manitoulin and would identify the issues. Since Mr Allison left some time ago, we have not had a crown attorney in the district.

I also would like to point out that we are in the very strange and odd situation within the constituency of Algoma-Manitoulin of having no justice of the peace in the city of Elliot Lake. Without a justice of the peace, of course, both the OPP and the city of Elliot Lake police service are having great difficulty in obtaining warrants and doing the normal sorts of things that police need to do because there is no justice of the peace readily available to them in their own community. That is a distinct and im-

portant problem the government could rectify in the blink of an eye if they would only make an appointment.

As we consider this piece of legislation, I would hope that the government could tend to some of the administrative problems they have in the rest of the justice system on behalf of my constituents.

**Mr Wildman:** I listened to my friend from Hamilton Centre and I want to congratulate him on his commitment to make what he said was a non-partisan speech. I noted that he gave credit to all of the parties.

**Mr Michael Brown:** I think he said the opposite.

**Mr Wildman:** Yes, he said he was going to give a partisan speech but then he went on and gave credit to all three parties. He said that he gave credit to the Tories for what they did in 1977, back when they were real Tories. The member for York Mills interjected and said *His-Tories*, which I suppose is quite different from the current *Reform-a-Tories*. Then he gave credit to the Liberals.

Knowing something about the politics locally in Hamilton, it's not usual for members in that community, whether they are New Democrats, Liberals or Conservatives, to give each other credit for things — they more often tend to shout at each other at very high decibel levels about the deficiencies of the others — but I notice that he gave credit to the Liberals. But I also noticed that when he did that — I'm talking about what the Liberal government of David Peterson did — he did it at a time when there were hardly any Liberals in the House to hear him. So perhaps he was doing this in a rather muted way and didn't really want the people back home to know that he was praising the Liberals.

He then did give credit, obviously, to the government of which he and I were both members for their expansion of the family court system and the efforts that were made during the Bob Rae administration to ensure that families were supported. I want to congratulate him for making those points.

**1710**

**Mr Allan K. McLean (Simcoe East):** I just want to comment briefly on the member for Hamilton Centre's comments. I appreciate the input he has had in the Legislature today on this very important bill. I also want to commend the minister for bringing this legislation forward. There are a couple of things in this bill that I think have been long overdue for so many, many years. One is to have an arbitrator deal with situations in family disputes. I think it's long overdue to have an independent person who will do that. There are not many people who have gone through the situation who have ended up in a court of law and have felt very comfortable, but I think with this legislation it will change that.

As it is now, there are five Unified Family Courts in the province. What this is going to do is expand them to most courts in the province. The problem we have now is that the federal government will have to appoint approximately 27 new judges. My understanding is that they've committed to about 16, so we do need that. But the important thing is — and the member for Hamilton Centre has mentioned it — the fact that the bench, the bar association and



the public are supporting this type of legislation that we're dealing with here today. So in the areas of Ontario without a Unified Family Court and family law, they are still heard in both the Provincial Division and the General Division courts. Each court has exclusive jurisdiction over certain family laws.

As I said before, the unification of the family courts with an arbitrator who is appointed, and I think out of this whole process the most important person is going to be that arbitrator who is going to resolve some family disputes that will cause those families to stay together, and we will not have the problem of two lawyers trying to get in between for the good of themselves and not for the good of those children and the family.

**The Acting Speaker:** Member for Hamilton Centre, you have two minutes.

**Mr Christopherson:** I would thank my colleagues from Simcoe East, Algoma, Algoma-Manitoulin and Mississauga South. I want to say that it is important in terms of having given recognition to the other two parties, and that somehow I got carried away with all this fair-mindedness and lost myself and forgot to give us the credit that my colleague from Algoma correctly pointed out, and that was of course that in 1995 Bill 136 was introduced, which formalized and established the actual Unified Family Court system, which has now been expanded under this bill. Again, we take a great deal of pride in having recognized that was something that was successful in the Hamilton experiment and needed to be established and set down in permanent law and then ultimately expanded.

I would hope that future governments, preferably ours next time, will continue to expand the system till it's right across the entire province.

I would also want to mention to my colleague from Algoma, who has returned to the chamber, that there are times when Hamilton members disagree, and when we disagree it's usually pretty clear that we're disagreeing. You're right; you can stand a couple of blocks away and you can usually hear exactly what it is we disagree about, probably much to the chagrin of those who have to bear it. But that's the nature of Hamilton politics and we always like to be sure that we're heard.

But one of the other things that's crucial about Hamilton politics is that because we're so close to Toronto, we have to really fight like hell to get what we're owed, our fair share, and oftentimes we do unify around positions, which is why it hurt so much to see the four Tory backbenchers vote against my resolution the other day that would have compensated for that \$36-million shortfall in the downloading program of this government.

**The Acting Speaker:** Further debate?

**Mr Joseph N. Tascona (Simcoe Centre):** I'm very pleased to join in the second reading debate on Bill 48, the Courts of Justice Amendment Act (Improved Family Court), 1998. The amendment of the Courts of Justice Act is going to involve a major expansion of the Unified Family Court in Ontario. The proposed amendments to the Courts of Justice Act, which deals with the administration

of justice in Ontario, will facilitate the expansion of the court.

Unified Family Courts now exist in only five Ontario communities: in Hamilton, which came into existence in 1977 under the Progressive Conservative government of that day; in London; in my riding of Simcoe Centre in the city of Barrie; and also in Kingston and Napanee, the riding of MPP Bill Vankoughnet.

I would just say that it's worked very well in the city of Barrie. The city of Barrie also serves all of Simcoe county and it's worked very well in terms of the family court process. I think the Unified Family Court, which was brought in in 1977, was very far-reaching, leading edge with respect to the Progressive Conservative government of the day. Obviously, it's something that should have been followed on by the other governments of the day. Unfortunately, we didn't have that much expansion in it. Now we're seeing tremendous expansion in terms of the Unified Family Court and it's long overdue in terms of this very emotional and troubling part of the law.

Further expansion of the court is overdue and is widely supported by the judiciary, the lawyers and also the public. However, the pace of expansion is not within provincial control. Unified Family Courts require federally appointed judges by the federal government. Obviously, the federal government is shirking their responsibility once again in this critical area.

The federal government has not provided Ontario with enough new judicial appointments to meet Ontario's needs. However, the proposed changes will permit us to make maximum use of the limited judicial resources available and expand as broadly as possible.

When we deal with the family court, it's a branch of the Ontario Court (General Division) and all family court judges are federally appointed, and that's just because of the Constitution in terms of the responsibilities that are given to each level of government and the way the courts deal with this. For example, in the federal court responsibilities under the Constitution, what we're dealing with is divorce, property division, and those are things that are handled by federally appointed judges.

The Ontario government, in keeping with providing better services to families and children, plans to expand the family court province-wide. However, it must rely on the federal government to appoint a sufficient number of judges. In March 1998, the federal government announced that 17 more judges would be appointed to family court in Ontario. While the new appointments will permit an expansion of the family court, the federal appointments are not sufficient to permit a province-wide expansion. That's another example of the federal government shirking its responsibility, not being sensitive to the needs of families and the people who need to use these courts to resolve their differences.

The proposed changes have been requested by the judiciary, which is fully supportive of the Unified Family Court expansion.

In 1977, as I had mentioned, the Unified Family Court was established as a pilot project in Hamilton for a three-

year period. All family law jurisdiction was consolidated in the Unified Family Court, as opposed to the split of jurisdiction which still exists today in most areas of the province. The split jurisdiction is based on the authority of judges appointed to sit in those courts.

Naturally, that's the difficulty we face, because there are significant advantages to the Unified Family Court system: first of all, the single-window approach. In areas of Ontario without a Unified Family Court, family law cases are still heard in both Provincial Division, for example, custody and support, and General Division courts, which are federal, which deal with divorce and also property division.

Each court has exclusive jurisdiction over certain family law matters, which I've set out. This is confusing and inconvenient for the public, who often must use both courts to resolve family disputes. Unified Family Courts have jurisdiction to hear all family matters and provide a much-needed single window for the public. Unified family courts reduce the cost and complexity of resolving family disputes as well as the financial and emotional burden on families and children.

1720

There will also be enhanced services. All Unified Family Courts provide mediation services to help families resolve disputes without resort to costly and time-consuming litigation. We will be enhancing the mediation services at Unified Family Court by providing new public information services. Two kinds of information services will be provided: (1) information sessions on family law and alternative methods of resolving disputes, which is mediation; and (2) information sessions on the impact of parental separation on children. These services are widely supported by judges and lawyers and will help families to resolve disputes with less acrimony and with greater focus on the interests of children.

There are also going to be streamlined procedures. To further strengthen the court, we intend to streamline the procedures of the Unified Family Court. New family rules were recently approved by the Family Rules Committee and will be reviewed through the cabinet for consideration. The rules are designed to make the court process faster and simpler for parties and to put an even stronger emphasis on the early resolution of cases before they become too time-consuming and too expensive for the families and the children involved. We expect the new rules to come into force at the same time as the new court locations begin operation.

The main elements of the amendments to the Courts of Justice Act are designed to ensure that the Unified Family Court operates as efficiently as possible and to ensure that Ontario obtains the maximum benefit from the available judicial resources. The amendments include providing the regional senior judges with clear authority to direct and supervise sittings of the family court and assign judicial duties, and also, establishing the office of the Senior Judge of the Family court (General Division) to provide advice to the Chief Justice on issues affecting the family court on a provincial basis.

Further amendments recognize the Chief Justice's constitutional authority to assign General Division judges into the court on a rotational basis so that additional resources can be made available and the court can be expanded to more communities. After all, we need federally appointed judges to deal with issues such as divorce and property division. At the same time, a substantial core specialized bench will be preserved. Most judges hearing cases in the Unified Family Court will be permanent appointees to that court.

There will also be amendments to remove Young Offenders Act matters from the court. These matters will be dealt with by the Provincial Division. Both the Chief Justice and the Chief Judge and the Senior Judge of the family court fully support the elimination of family court jurisdiction for Young Offenders Act matters. This change will also free up judicial resources for wider expansion of the Unified Family Court.

Other provisions in the bill contain a housekeeping amendment to restore the regulation-making authority to set salaries and benefits, including pension benefits, for provincial judges and masters retroactive to February 28, 1995, which is the date on which it was inadvertently removed.

The amendments appear more complicated than they are because the changes in the names of the courts under part IV of the Courts Improvement Act, 1996, Bill 79, have not been proclaimed. Part IV cannot be proclaimed until the complementary federal legislation has been put in place. The federal legislation is now before a Senate committee. The amendments have been drafted to accommodate the proclamation of the court name changes either before or after the bill comes into force.

An announcement about the expansion locations will be made very soon. We anticipate the new courts will be operating by the spring of 1999.

The services provided at the new Unified Family Court will be funded through the reinvestment of savings realized by the appointment of Provincial Division family judges to the court.

In summing up, I firmly support this and I urge the federal government to make it a priority to provide more judges to the court so it can be extended to all Ontario communities.

**The Acting Speaker:** Questions or comments?

**Mr Michael Brown:** I appreciate the comments. One of the questions I might ask, though, is that if we're waiting for the announcement of the sites of the expanded Unified Family Court, would they be placed in northern Ontario? Will we begin to see some of the services that have been available in parts of southern Ontario in the north? Will we see the Algoma district being served by the Unified Family Court out of Sault Ste Marie, and obviously moving through the area, serving communities like Wawa and Elliot Lake? Will we see the Unified Family Court on Manitoulin Island in the district of Manitoulin? Will we see the Unified Family Court out of Sudbury, where it could serve places like Chapleau and other places in the Sudbury district such as Espanola? Will we see the



Unified Family Court serving the constituents of the northern regions? That would be one of the questions we certainly would like to see the government answer today, as usual, as we sometimes look towards a spring election.

**Mr Dwight Duncan (Windsor-Walkerville):** Photo ops.

**Mr Michael Brown:** Maybe they are looking for photo ops. Maybe this is really what this is about. What this really is about would be an election promise rather than actually something we might see, because I note as I read the bill it says in the explanatory notes, "The bill amends the Courts of Justice Act in order to restructure the Ontario family court to accommodate" — listen to this — "a possible expanded family court."

We're talking here about possibilities. I hope that's not what the government's intending here. We want to take them at face value and we want the services available across Ontario.

**Mr Wildman:** I want to compliment my friend from Simcoe Centre on his remarks. I noticed that he was quite critical of the federal government for not appointing enough Unified Family Court judges. I would just point out that this is a bit like the pot calling the kettle black. The fact is that in our area of the province, this government hasn't appointed enough justices of the peace to do the basic administration of justice.

In Chapeau, for instance, they're short a justice of the peace to the point that, on occasion, the courts have had to postpone hearings that were scheduled. The police haven't been able to get warrants issued and so on. On a couple of occasions a justice of the peace has had to drive from Wawa to Chapeau on the day of the court proceedings, a distance of over 90 miles, and arrived too late to be able to deal with any of the proceedings, simply because this government hasn't appointed a justice of the peace when they should have. There is no justice of the peace in Elliot Lake — similar problems.

Why is it this minister, the Attorney General, can't get his act around getting the people appointed who are required to administer the courts? I think if the government is really serious and wants to administer the system properly, they would move to appoint a crown attorney for Manitoulin district, as has been mentioned by my friend. If this government is critical of the federal government for not appointing enough family court judges, why doesn't it get its own act together and appoint — I'm not even suggesting they should appoint Liberals or New Democrats. Appoint some Tories, if necessary, but get the thing going.

**Mr Gerry Martiniuk (Cambridge):** I listened with great interest to the comments of my colleague from Simcoe Centre. I think he has historically given us the matter of the Unified Family Court and its growth in Ontario, along with his unanimous consent.

One of the matters he touched upon which I'd like to expand on and comment on is the Young Offenders Act being removed from the new Unified Family Court. In 1995 when the Unified Family Court was expanded, a test case was set up so that some of the Unified Family Courts could hear matters relating to the Young Offenders Act,

whereas in others that was excluded and the young offenders were dealt with in the Provincial Division.

As a result of that experiment, it was the conclusion of most of the parties who were involved with both the Unified Family Court and in fact the criminal court, Provincial Division, that we should remove young offenders from the Unified Family Court. I think that's very important because all of our court structures are busy. By removing young offenders from the Unified Family Court, this will permit them to deal more expeditiously with problems of the family, both custody and divorce, and especially the welfare of children, rather than having cases prolonged before a final resolution of a dispute could arise. So we had decided, after consultation with all stakeholders, to remove young offenders from Unified Family Court.

1730

**Mr Duncan:** I'm pleased to have the opportunity to respond to my colleague from Simcoe Centre. Let me preface it by saying that I personally will be supporting this bill and feel it is a step in the right direction. I want to take a moment, however, to address some other justice issues and particularly come back to the notion about justices of the peace and judges.

In my community of Windsor we have a critical shortage of justices of the peace. If you're going to address all of the questions around justice matters, court matters, the proper function of courts, you really have to address those issues. Like my colleague from Algoma, I don't care who you appoint, just appoint somebody. We have a situation now where we can't get justices of the peace on weekends in my community, and frankly that's unacceptable. This particular bill, in my view, cannot be discussed, debated or dealt with outside the context of that issue, and a variety of other issues that I'll have a chance to speak to in a few moments.

I want to say this: All of us want a court system that functions well and serves the interests of families and children. The minister responsible for children's issues made that point quite well, I thought, and I wanted to have the opportunity to say the same thing. But to consider this bill to the exclusion of other issues that have been dealt with in this House and in other places in the justice system really doesn't serve the debate well. So I want to view this bill in the context of a number of other issues which my colleague, although eloquently expressed today, did not address. I look forward to having the opportunity in a few moments to try to put this into the context of justice issues overall.

**The Acting Speaker:** Member for Simcoe Centre, you have two minutes.

**Mr Tascona:** I am pleased to respond to the comments of my colleagues. The MPP for Algoma-Manitoulin certainly expressed his concern for northern Ontario, to make sure that they have the services that are being provided. Fortunately in my riding of Simcoe Centre, in the city of Barrie, the Unified Family Court is already there and working very well.

Certainly it's the goal of this government to have province-wide Unified Family Court services available. The major problem in terms of providing that is because of the fact that the federal government has shirked its responsibility in terms of providing more federally appointed judges. Obviously you have to have the judiciary available to be able to provide those services.

What this bill is really about is that it shows that this province is moving in the right direction and that the federal government once again is not providing the resources for the administration of justice in this province and is showing an insensitivity to the families and children of this province.

The MPP for Algoma comments about the shortage of JPs. JPs do not deal with family court matters. I won't say any more.

The MPP for Cambridge comments about the historical growth of Unified Family Courts brought forth by the Progressive Conservative government of Bill Davis in 1977. But also what's pivotal is that the Young Offenders Act is being removed from the Unified Family Court system. That will provide greater resources and also increase the expeditiousness of dealing with the problems of the family. That's welcome news.

The MPP for Windsor-Walkerville comments about the administration of justice and the fact that he's going to support the bill. He fails to note, though, that there's a brand new courthouse being built in Windsor and they're very lucky to have that. That will increase the administration of justice in Windsor.

**The Acting Speaker:** Further debate.

**Mr Duncan:** I am pleased to stand today to discuss Bill 48, the Courts of Justice Amendment Act of 1998. I want to discuss it both in the context of the bill itself and in the context of this government's initiatives in other areas, in the justice area, and frankly their lack of initiative.

I do have to comment that the member for Simcoe Centre is quite right; Windsor is getting a new courthouse, a courthouse that is long overdue, and largely scaled back and cut back from what was originally conceived and is not now well received by the criminal bar or the bench in terms of its adequacy, and because of cuts by this government, probably will reach a level of obsolescence relatively quickly. Although it certainly is an improvement over what is currently being used for criminal courts in our city, it is far and away not what was originally contemplated and was scaled back in a dramatic fashion by this government as part of its cost-cutting initiatives, another example of where governments can be penny wise and pound foolish. So while I'm interested to hear the member's comments, I think we need to put them into that context.

This government has been big on administrative changes in the justice field, but oftentimes they miss the boat in terms of the bigger picture.

Today we talk about this particular bill. It's a natural progression, a progression that's been aided over the years, as my colleague from Hamilton Centre said, in non-

partisan fashion, by all three parties and all three governments for the last 21 or 22 years, beginning with the Hamilton experiment. The previous New Democratic Party government moved us along and this government responded this year with this particular bill.

But what the government doesn't talk about in this debate today, and doesn't particularly like to talk about in other places, is the cuts they've made in services to victims. They don't like to talk about the lawsuit brought by a group of victims, and they certainly don't want to talk about the new user fees for people who need to access our court system, user fees, by the way, which as a result of the court decision last week are going to come under increasing scrutiny.

I remember the Premier who has styled himself as the Taxfighter saying, "A tax is a tax is a tax." When one looks at the public accounts for the province of Ontario since this government took office, one sees that those non-tax user fees and services I believe have quadrupled.

With the court decision we now have, it will be interesting to see how many of those fee increases are in fact tax increases that are decided by regulation, by cabinet, by order in council without consultation with the Legislative Assembly. That is taxation without representation. I will predict today that is going to become an increasingly thorny issue as the people of this province begin to understand the full impact of those fee increases.

The government hasn't talked today about the Rodrigues case, and I intend to talk for a few moments about the Rodrigues case. This was the most recent example. The government was very quick to criticize previous governments of both stripes about backlogs in courts. Different governments have tried to resolve these difficult issues in different ways. But let me remind the government members about what we think ultimately led you to bring this bill forward, and that's the Rodrigues case.

You'll recall that the government was quite proud that it was reducing court case backlogs and administrative jams. On June 23, 1996, in a very tragic event Claudine Rodrigues was killed by a driver who was charged with impaired driving. On September 9 that case was dismissed due to excessive delay. That was following a question that was put in this House by Gerry Phillips, my colleague from Scarborough-Agincourt. After considerable pressure from the Rodrigues family, the government is appealing that dismissal.

**1740**

So the government talks a good game about what they're doing, but it doesn't always add up. Justice and crime issues are coming to the forefront. I see the crime commissioner over there who's been making a name for himself by leading the fight supposedly on questions of crime, punishment and justice. Indeed, I'm intrigued because I support this bill, but I am intrigued by a government that wants to make courts function more efficiently, wants to make our streets safer, wants to protect society from criminals, but then puts guns in the hands of 12-year-olds.



They're going to give 12-year-olds guns. They are going to give them guns and they can try and pass the buck on that. That's not what they were doing in the by-election in Sudbury, but now they're going to say to 12-year-olds in this province: "Here's your gun. Go ahead and hunt." We think that's just nonsense and it betrays what we think is a fundamental flaw in adequacy in the government's whole crime-punishment agenda. It's smoke and mirrors.

I believe the police forces in our province and the justice system are doing a pretty good job under difficult circumstances. Indeed, we've seen crime rates go down on some major types of crime. I am just dumbfounded at how anyone could suggest that giving 12-year-olds guns is going to help. It makes no sense. When we consider this bill, a bill which on the face of it makes sense, a bill which we will be supporting, one has to consider it in that context.

While we're on the matter of family courts and family responsibility, what about the Family Responsibility Office? The government really botched that one up. They made a mess out of a system that admittedly was not perfect, I think all of us agree could have done better, but what you've replaced it with — and members in the government know this because if their constituency offices are like mine, Family Responsibility Office inquiries, complaints, concerns, are your number one issue. I get more calls to my office about that than anything else.

I must say that when the crisis first broke, it was a real mess. There has been an improvement in the time it takes to resolve these problems, but it remains, in my view, necessary that if we are seriously committed to enforcing family responsibility, there ought to be a system of regional offices that can provide service and resolve disputes. Don't throw the baby out with the bathwater.

What does it mean when the Family Responsibility Office isn't working? It means that women and children aren't getting the money that's owed to them. Quite frankly, in some cases it means that the support parents, the people paying the support, either have too much taken off or I had a case where a fellow called me because he couldn't get them to take off enough, and it takes months to resolve these problems.

This bill on its face is easy to support, but a government that was truly committed to the proper and efficient functioning of our justice system wouldn't allow scenarios like northern Ontario where you have a community that has no crown prosecutor, communities like mine where there's a shortage of justices of the peace, and it certainly wouldn't allow 12-year-olds to have guns in this province and would deal post-haste with the mess that still exists at the Family Responsibility Office.

Thank you, Mr Speaker, for my time today.

**The Acting Speaker:** Questions and comments? The member for Cochrane North.

**Mr Len Wood:** I listened very attentively to the member for Windsor-Walkerville and his comments saying there's a lot of the parts of the bill that he supports, but there are problems out there. One of the points he talked about is why would this government, under the Attorney

General, lay off all of the workers and scrap the computer system before they had a new system in place for the family support system. As a result, you end up with a large backlog of payments that are not going out to women and children.

He mentioned that there's a number of court cases that are being thrown out because of the long delays that have taken place. He mentioned the fact that during the by-election that was held in Nickel Belt the government was so proud and happy to announce that they were going to give hunting rifles to 12-year-old children to go out in the bush and hunt wildlife. They're saying, "It's OK, it's going to be supervised by adults," but they only have to be 19 years old.

There's a lot of concern that he has raised in speaking on the bill, saying that he's going to support the bill but that there are a lot of issues out there that we should be talking about. I know in the Cochrane North-Kapuskasing-Hearst area there is a shortage of justices of the peace and they have to travel 70 or 80 miles to do their job and see that justice is being served. There's no reason for that. It's just the incompetence of the Conservative or Reform government we have here in the province of Ontario. They're not doing their job and making sure that these justices of the peace are appointed.

**Mrs Julia Munro (Durham-York):** I just want to add a couple of comments to the debate today. I think that what we are looking at in this piece of legislation is a major step forward for us. As many members have expressed, there has been a long history of the success of unified courts. The fact that we've had these in existence in these communities has only served to demonstrate how important the need is in all our communities.

I have met with many people in my riding who have recognized the importance of extending and expanding the unified court system. All of us recognize the importance it places on children, the kind of emotional stress that children go through, and the fact that we are dragging people through two court systems instead of one obviously adds to the emotional stress, but also to the time and expense.

What we are waiting for, then, is obviously the fact that we need to have the federal government meet the needs of Ontario with new judicial appointments. Those will allow us to make maximum use of those limited judicial resources available and expand as broadly as possible.

I'm looking forward to the opportunity that this expansion will provide, particularly in high-growth areas of the province. It's important to note that the proposed changes are those that have been requested by the judiciary and they are fully supportive of the Unified Family Court expansion.

**Mr Michael Brown:** I appreciated very much the comments of my colleague the member for Windsor-Walkerville. As he canvassed the bill, I was particularly taken by his speaking about the kind of juxtaposition between the improvement of court services that we are ostensibly to see here and the reality in Ontario justice circles today.

I recognize that this court will issue support orders and those sorts of things as a result of some of the proceedings that occur before it. I want to come back to the Family Responsibility Office. The Family Responsibility Office has been an unmitigated disaster. We are told through the press that there is \$1.2 billion that is uncollected through the Family Responsibility Office. That's \$1.2 billion of either children's money and spouses' money or taxpayers' money that has been paid to support mostly women and children that is out there and is uncollected.

Last night I listened to one of the Durham Conservative members saying that over 50% of the calls to his office are about the Family Responsibility Office. That doesn't surprise me, because the same, I think, could be said of virtually any member in here. You guys don't understand that there's a problem that really needs to be solved, that's in the taxpayers' interest to solve, that's in everybody's interest to solve. You created much of the problem when you destroyed the regional offices. Let's get with the tour here. Don't come and tell us that a court's going to fix this, because it's not. Your administrative problems within the Family Responsibility Office are huge and must be fixed.

1750

**Mr Wildman:** I think there's no question that a government that purports to care about the administration of the family court system and care about the family should be doing far more than it is to ensure that the rights of women and of children are protected and that the administration of those systems that are set up to serve the family, to serve women and children, are carried out in such a way as to actually be effective.

The stories about the problems with the family support office since this government restructured it, which is a euphemism for saying it decimated it, are legion. The fact is, women and children are not getting, generally, the support payments that they are required to have, that the courts have indicated they should get, and in many cases, fathers who are interested and concerned about supporting their children are finding that the system is so skewed and messed up that even when they want to make the payments, they are not being deducted properly. They are being declared in arrears when they intend to make their payments and the payments are not getting to their children whom they want to assist with those payments.

This is a government that says they're in favour of the family. This is a government that is long on rhetoric when they say they care about children, but the facts of the case have been demonstrated by the cuts they have made to the very offices that are supposed to serve both the interests of children and of families. We know that this government is more interested in the bottom line than they are in protecting families.

**The Acting Speaker:** Member for Windsor-Walkerville, two minutes.

**Mr Duncan:** I'm pleased to have had the opportunity to participate in this debate. I noticed how, when the government members were responding, they didn't talk about

the Family Responsibility Office and they didn't talk about 12-year-olds with guns.

**Mr Michael Brown:** I wonder why.

**Mr Duncan:** I'm not surprised they didn't, because they don't want to talk about that. They wanted to talk about it in Nickel Belt. They certainly did. They wanted to talk about 12-year-olds with guns in Nickel Belt, but they sure don't want to talk about that in Toronto. They don't want to talk about it in Windsor. They don't want to talk about it in London. They don't want to talk about it in Kitchener. They don't want to talk about it in Ottawa. But let me tell you, we're going to talk about it.

We're going to talk about that and we're going to talk about the Family Responsibility Office and what you've done to women and children across this province. We're going to talk about your cuts, the cuts that happened before this year, because we're not going to let you forget the first two and a half years of your administration. You're not going to catch up to those cuts. You're not going to catch up to the cuts to the special investigations unit. You're not going to make up for the cuts to the Criminal Injuries Compensation Board. That fund's been cut by \$1.2 million since 1995.

What's this government's agenda, despite the crime commissioner and despite the overblown rhetoric? This government's agenda is about 12-year-olds and guns. It's about cuts to victims. It's not a crime and justice agenda. It's a cuts and tax cuts agenda. So I'm not surprised the government didn't talk about guns and 12-year-olds. I'm not surprised you didn't talk about the ongoing mess at the Family Responsibility Office. But be assured that while we support this bill, we're going to talk about those issues and we're going to talk about them in every community in this province. Thank you for the time today.

**The Acting Speaker:** Further debate?

**Mr Wildman:** I'd like to participate in this debate and point out that while we support the expansion of the family court system, we are concerned about some portions of this bill and we hope that this matter will go to committee for discussion and clause-by-clause amendment so that those matters can be properly dealt with.

I will speak very briefly. We are particularly concerned about the fact that this bill shifts the administration of Young Offenders Act matters to the exclusive jurisdiction of the provincial court. The family court jurisdiction over the young offenders cases in London, Kingston and Napanee will gradually be eliminated, this in the name of saving money and making use of more limited judicial resources.

As the government we established a new family court system in Ontario. We selected four communities where the family court could be expanded as part of the first phase. The courts province-wide expansion locations were Kingston, Napanee, Barrie and London. Matters under the Young Offenders Act were heard in family court in London, Kingston and Napanee. In Barrie they continue to be heard by the Provincial Division family judge, although this was supposed to change when an additional judicial appointment could be made to the family court.



The New Democratic Party reforms to the court system in Ontario were aimed at making our justice system more open and accessible and equitable. Young Offenders Act matters could be dealt with in the family court, taking into consideration the fact that many young offenders have family problems or come out of the system already. The emphasis should be on rehabilitation and finding solutions as opposed to simply locking kids up and throwing away the key, which seems to be the attitude of some members opposite.

The broad move of this government is to shift the focus on young offenders from rehabilitation to punishment. Everyone understands that offenders must be held accountable if they are found guilty of offences, but it doesn't help our society or those individuals or their families very much if we fail to make an effort to rehabilitate. As a matter of fact, it will cost society, the family and those individuals more in the future if we don't try to rehabilitate.

The family court has supports and experience with young people that adult courts just cannot have. So what's at stake here is the principle that young people need to be dealt with differently than adults. That of course applies when we see what this government has done. The suggestion that children in grade 6 should be able to shoot long guns under the supervision of teenagers I think is an indication of how ridiculous it sounds when this government then further says they care about children and they care about families and they want to protect the safety and security of children.

This is a government that talks a lot about law and order, but I don't think they really care about community safety because they have made cuts to the very social programs and to our education system that are destroying families and putting children at risk. I don't believe there's

a single Ontario citizen who is safer now than they were three years ago. While crime rates are tending to go down, really dangerous criminals in this province are being ignored completely.

As I said, this government wants to focus on having young people held accountable, but where is the accountability of the government when one considers that this government has decimated social supports such as child care, children's mental health services, prevention programs and health services, as well as made significant cuts to education that can only mean more children are at risk?

More children are at risk of offending, more children are at risk of becoming involved with the judicial system, and to move the administration of the Young Offenders Act to the provincial court system exclusively away from the family court I believe is a step in the wrong direction. I hope we can deal with that in committee and I hope the matter will be dealt with in committee.

**The Acting Speaker:** Questions or comments? Further debate?

Mr Harnick has moved second reading of Bill 48. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Shall the bill be ordered for third reading?

**Mr Martiniuk:** I would request that the bill be referred to the standing committee on finance and economic affairs.

**The Acting Speaker:** Agreed? Agreed.

It being 6 of the clock, this House stands adjourned until 6:30 this evening.

*The House adjourned at 1801.*

*Evening sitting reported in volume B.*

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Tuesday 27 October 1998

Mardi 27 octobre 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

Clerk  
Claude L. DesRosiers

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 27 October 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 27 octobre 1998

*The House met at 1830.*

## ORDERS OF THE DAY

### HIGHWAY 407 ACT, 1998

#### LOI DE 1998 SUR L'AUTOROUTE 407

Resuming the adjourned debate on the motion for second reading of Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs, and stimulating economic activity through the sale of Highway 407 / Projet de loi 70, Loi visant à intéresser le secteur privé à améliorer l'infrastructure des transports, réduire la circulation engorgée, créer des emplois et stimuler l'activité économique par la vente de l'autoroute 407.

**The Acting Speaker (Ms Marilyn Churley):** Further debate?

**Mr John Gerretsen (Kingston and The Islands):** In the three minutes I have left since I spoke last Thursday, I would just like to ask the government once again, can they show us what public interest will benefit from the sale of Highway 407? I think the people of Ontario are really and truly interested in that. They are not interested in the history as to what the NDP government should have done or whether it was going to be a project that was financed by the public and the private sector. That's ancient history.

What public interest is served right now by the sale of this highway and by the sale of the lands that will be required to complete the 407? Somehow I'm of the opinion that the way this particular bill is written, which gives the minister almost unfettered discretion as to what he may or may not be able to do, with absolutely no transparency to the tendering process or to the contractual process that there may be with the private sector — I have my doubts whether this is the right way to go. Unless there truly is a benefit to the public to be gained from privatizing this particular road, I would say we should not go ahead with it. The only argument I heard the other day was the fact that the \$1.8 billion that it cost to build the highway would no longer be part of the public debt of this province. We all know that the public debt of this province currently stands at about \$115 billion. If we take \$1.8 billion off that, I would say that's good. But if you really felt that way about the public debt of this province, why did you allow it to run up over the last two or three years by giving tax cuts we simply couldn't afford?

*Interjections.*

**Mr John R. Baird (Nepean):** Someone get the red book.

**The Acting Speaker:** Order, please, member for Nepean.

**Mr Gerretsen:** You can start giving people tax cuts once the budget is in balance, but the fact that over the last four years we've added about \$15 billion to the deficit and to the debt of this province is simply not the proper thing to do.

I say to the government and to the minister, who's in the House again today, give us the real reason. Why do you want to sell this? Why is it in the public interest to sell this road? I can't imagine anyone wanting to buy this road if they weren't going to make a dollar out of it as well from tolls and various other things that are going to take place on this road, so give me the real reason why you feel we should sell this roadway.

**Mr Frank Klees (York-Mackenzie):** You'll never get it, John.

**Mr Gerretsen:** The member says, "You'll never get it." I don't think you ever get it, because if you really think it's such a good deal, I think you owe it to the people of Ontario, without these general platitudes that we've heard so far —

**The Acting Speaker:** Thank you. Questions and comments?

**Mr Len Wood (Cochrane North):** The member for Kingston and The Islands has made a number of good points. What is the reason for privatizing Highway 407, the toll highway? Is it because the government has given away close to \$6 billion in tax breaks to the wealthiest people of this province and they want to try to recoup \$1.5 billion or \$1.6 billion so that they can give more money back to the wealthiest people of Ontario?

The NDP government built Highway 407 and we were pretty proud of the fact that we were able to accomplish that in about three years instead of the 20-year plan that was out there. There is no reason that I have heard, and the member for Kingston and The Islands has pointed this out, unless the minister of privatization says: "I wanted to privatize the Liquor Control Board of Ontario, I wanted to privatize TVOntario. I've got to privatize something so I'm going to bring in a bill and we'll call it the privatization of Highway 407." Other than that, I agree with the member for Kingston and The Islands that we can't figure out any reason why this government would want to get rid of a good highway.



My wife Réjeanne and I are proud that we travel the 407. We catch it when we're coming in from Barrie and travel all the way through to Mississauga where my daughter Sandra and my grandson Eric live and then we continue on into Hamilton and visit my daughter Brenda and my oldest grandson Stéphane.

This is at a time when the Minister of Northern Development and Mines is shutting down the bus system in northern Ontario. He scrapped the airline system, norOntair. He cut back on the financing for trains. Here we have Highway 407 in southern Ontario that is a good highway and they want to privatize it, grab the money and give it to the wealthiest people in this province. That's the only thing I can think of.

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** I very much appreciate the comments from my friend and colleague from Kingston and The Islands.

**Mr Baird:** You don't call him a friend, do you?

**Hon Mr Sampson:** Yes, I do call him a friend actually. Every once in a while I think he does believe in what we're trying to do over here, although he does represent another view of life. I struggle every once in a while in the House here to understand what the view of life of Liberals is anyhow on any issue, but it becomes clear now that the member would like to know what the public policy is, and he's right.

Listen, you don't deal with a public asset, a highway or any other particular asset, such as tree nurseries, unless you have a public policy objective that you hope to achieve in doing so. But simply because it's owned by government or it's owned by the private sector does not mean that one cannot achieve a public policy objective. One could achieve a public policy objective by doing things with the private sector. We do many things in government where we allow the private sector to perform an activity for us that delivers a public good. So to stand up in his place and say, "If it delivers on a public policy objective, it can only be done with public money," is ludicrous. It happens to reflect, I think, a Liberal principle, but it's absolutely ludicrous.

What are the public policy objectives to be delivered here? The member spoke to one: taking some \$1.8-billion-odd dollars of debt off the backs of the taxpayers. I would say that's a public policy objective. I understand how it's Liberal policy to increase debt burden. I understand that. You did that very successfully during your reign of terror as a government in this province. I understand that and I understand how you will struggle with the fact that lowering debt and lowering taxes is indeed a public policy objective. That is your principle; it's not our principle.

**Mr Gerretsen:** You have not lowered the debt.

**The Acting Speaker:** Member for Kingston and The Islands.

**Hon Mr Sampson:** We believe that the taxpayers of this province shouldn't be paying for this road twice. You believe that; we don't.

1840

**Mr Michael A. Brown (Algoma-Manitoulin):** I really appreciate, and I'm sure the people of Ontario appreciate, the fine comments of the member for Kingston and The Islands as he outlined what his view of this particular issue is.

Sometimes it's a curse, but if you've been around here for a while this gets pretty amazing. When Highway 407 was to be built, it originally was to be built as a private highway. That was the original concept. It was to be owned by the private company; the revenues were supposed to pay for it. That's how it started out. Then it became a private-public highway. It became that because the consortium couldn't borrow money without the government guaranteeing it, without the government providing the dollars up front, and that's because there was risk. So the NDP government then built the highway; at least, borrowing the money and having a consortium that they chose.

The chief government whip used to stand over about where the member for Windsor-Riverside is and there was steam coming out his ears. He thought this whole thing was crooked. There were real problems with the way it was let. There you go. That was what was happening back then. It was quite exciting here.

Now that the public has taken over the risk, apparently, in building the road — and we know what the revenues coming in are, we know all those things — it's time for the private sector to get back in the game. Well, maybe it is, maybe it isn't. To stand up here and to say that this particular project shouldn't be private, shouldn't be public — the flips that have gone on around this highway in the last few years have been just absolutely phenomenal.

**Mr Wayne Lessard (Windsor-Riverside):** I'm glad the member for Algoma-Manitoulin clarified the Liberal position when it came to this issue because there are occasions in this place when we're not quite sure what that position is. Now it's crystal clear.

*Interjections.*

**The Acting Speaker:** Order, member for Dufferin-Peel.

**Mr Lessard:** The member for Kingston and The Islands made some very good points, I believe. He was talking about the privatization of Highway 407 and whether that was an issue of public policy or not. It all comes down to a question of who is going to pay for this privatization initiative. We have heard that the costs of borrowing money are a big part of the costs of developing capital infrastructure. A lot of times the government can borrow money at a lower cost than the private sector can, so if this is going to be privatized, it's going to increase the costs of transportation.

We think there are some valid arguments for a public-private consortium to be involved in projects like Highway 407 and that's the reason the NDP government built this project when it did. This government came up with the idea that the highway should be privatized, but if you think it's such a good idea, why don't you make public the study that justifies what you want to do with it? Make it

public. Prove to the public that this is the greatest idea for transportation policy here in Ontario. What are you afraid of? Make the study public. We want to know why this is such a good idea. Why don't you just tell us?

**Hon David Turnbull (Minister without Portfolio):** A few points to put on the record —

**The Acting Speaker:** Just a moment. Member for Kingston and The Islands.

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** One more to go.

**The Acting Speaker:** No, we've gone around. Member for Kingston and The Islands, you have two minutes.

*Interjection.*

**Mr Gerretsen:** No, there were four comments: one, two, three, four, OK? I'm very pleased, though, to see that two cabinet ministers want to jump up and defend whatever they're saying.

I'm very disappointed with the minister of privatization. I asked a very simple question, not in a partisan sort of way as I did last Thursday. Sometimes I get partisan, but not on this issue.

**Hon Mr Villeneuve:** No, not you, John.

**The Acting Speaker:** Order, please.

**Mr Gerretsen:** I personally don't have any philosophical problems with privatization as such. However, the privatization effort, no matter what you're talking about, there has to be some public good that comes out of it. I invited him to give the reasons for that and he just blabbered on about something, accusing this party of that and that party of this and that and the other thing. The people of Ontario want to know, how do they benefit from this road being privatized? How do they benefit from it? It seems to me that if a private entrepreneur takes over this road and buys this road, that entrepreneur wants to make a dollar on it, whether it's through the tolls, whether it's on the maintenance or whatever. That's what private entrepreneurs are all about. They want to make profits and I totally believe that.

However, if somebody wants to make a dollar on it, why shouldn't the government keep that money? So there has to be another reason as to why you want to privatize it. So far, with all due respect to all the learned people on the other side of the House, I haven't heard one good reason other than the fact you're taking \$1.8 billion off the public debt, which of course you've been adding on over the last three or four years with your ill-advised tax cut, until such time as the budget of this province is balanced.

**The Acting Speaker:** Further debate?

**Mr Bud Wildman (Algoma):** I must say that I found the exchange in the House this evening somewhat confusing. The exchange has generated more heat than light, I think, but I would like to try to put this debate into some context.

We know that when this government was first elected, one of the great policy initiatives the government intended to move forward on was privatization of a number of public assets and public services. The ideological underpinning of this was that the private sector is, by definition,

according to the Tories, more efficient. By definition, the public sector is inefficient. Therefore, public services could be more easily and more cheaply provided to the people of this province if they were in the private sector. We saw the efforts of this government to contract out a lot of services, and the minister, Mr Sampson, was appointed to deal with the big asset privatizations.

Then the government started to run into problems. First on the privatization or contracting out of public services, the government was taken to court because the government had made an agreement with its employees that the government would make every effort to ensure that the new contractor would employ staff who had previously been employed by the provincial government to provide those services. The court found that this government had not lived up to that obligation. In fact, the court said that the government had not made any serious effort at all to ensure that members of the public service were given an opportunity to be employed by the private contractors who were taking over public services. That then threw the government for a loop and the government had to go back to the planning stages.

The problem was this. Initially the government was saying they were going to just privatize the service; in other words, contract out. So they would put it up for bid and whichever company came forward with the best bid — not necessarily the lowest but the best bid as far as the government was concerned — would get the contract, and that was it. All the government supervisors were doing apparently was putting the name of the contractor on the bulletin board for the employees and saying, "Look, if you want a job you better apply here." That was not any real, serious effort to ensure that these people continued to be employed or that the public would benefit from their expertise in providing the service.

The government then decided perhaps instead of just contracting out the service, when the government intends to privatize, "the business" will be privatized. In other words, if you're talking about privatizing snowplowing on the roads, instead of just saying, "We're going to put this up for bid and whatever private contractors wish to may bid on snowplowing," the government said: "No, we're going to privatize this, but it's not just going to be contracted out. The private sector, if they want to do the snowplowing, will not only provide the service, but will have to take over the equipment and the staff."

1850

That of course was a lot more complicated because that meant also the government then was expecting the staff members would be paid the same salaries and benefits that they'd been paid in the public sector. Most of the private contractors, although not all, I'll admit, had no intention of paying those kinds of wages or benefits because that meant they would have to charge so much for their contracts that it would not be profitable. So the government had some serious difficulties with this. I understand they were serious difficulties and that still hasn't been really properly sorted out.



Another difficulty the government ran into was that senior civil servants, a few, who knew about the intentions of the government might be seen to be in a conflict of interest. There was the infamous case of an individual who had been a senior civil servant in one of the ministries who just by coincidence became a senior executive for one of the major contractors that was attempting to take over one of the public services for which he had been responsible when he was in government. Of course in response to that the government has now said that the Integrity Commissioner should take this as part of his new mandate and ensure that public servants do not profit from this information and be involved with private companies that might be able to take over public sector services. The government found that this was far more complex than they ever anticipated.

Then we come to the situation where we have the member for Mississauga West appointed as the minister for privatization.

**Mr David Tilson (Dufferin-Peel):** A good appointment.

**Mr Wildman:** Oh, I like the member. I have no concern about his ability. I think he's dedicated and interested in doing a good job, but he has a problem. His job was to privatize major public assets, and a number of those were identified. One was the liquor control board, another was TVOntario. Then there were some minor ones, things like a few Ministry of Natural Resources tree nurseries. The member for Mississauga West ran into some problems. First, as my friend from Lake Nipigon indicated, when he sidled up to people who looked like possible investors and opened his coat and, "Do you want to buy TVOntario?" there were no takers.

I remember once when I was on a trip to Italy, I went to the ruins at Pompeii near Naples and I was met on a street corner by a guy who kept opening his coat and saying, "Want to buy a watch?" He had a whole bunch of watches on the inside and he told me they were all genuine Swiss watches and that I could buy them for 10 bucks.

**Hon Mr Villeneuve:** How many did you buy?

**Mr Wildman:** I didn't take him up on it. I'm not suggesting that TVOntario was that kind of a sale. The problem the minister ran into when he was trying to sell TVOntario, when he said, "Do you want to buy a TV operation?" wasn't that people looked at him askance and said, "The TV operation you've got inside your coat there isn't worth anything." In fact it was the opposite. The public valued the asset so greatly that the minister had difficulty in persuading them that it was a good idea for it to move into the private sector. As a matter of fact, parents, teachers, people right across Ontario said: "TVOntario is providing a service that is important, it's educational, it's providing the kind of broadcasting that is not available in most cases in the private sector and we don't want it privatized. We want this to be an option for us as an alternative to private broadcasting."

While he was trying to unload what he thought was some kind of, I guess, cost to the public on to the private sector, the public was saying: "No, we value this. We

want to keep it in the public sector. We like the way TVOntario operates. We like the fact that they are responsive to the community. We like the fact that they're providing an alternative to private broadcasting."

The government had to back off and they said: "No, no, we won't privatize TVOntario. We will get involved in a consultation" — I give them credit for that — "around how TVOntario can better meet the educational purposes for which it was established." The minister backed off, so then he was stuck: "I can't privatize TVOntario."

At the same time, there had been a lot of talk about privatizing the liquor control board. We all know that when we were in government we appointed the former interim leader of the Conservative Party as the chair of that operation and he's done a fabulous job. He's done a very good job in terms of ensuring that we do not have a situation similar to what there is in the United States or even in Alberta frankly where most of the liquor in the province is sold through private stores. You don't have the same kind of controls to ensure that juveniles do not get hold of booze at a time when they might be interested in experimenting in that area. In the United States they have a very difficult situation with robberies in liquor stores and a lot of violence involved in that area.

In contrast to that, Mr Brandt has done a tremendous job of ensuring the safety and security of the operation while at the same time expanding the selections, making the stores more attractive and better at serving the public. He's done a very good job.

**Mr W. Leo Jordan (Lanark-Renfrew):** The best.

**Mr Wildman:** Yes, exactly. We did that and I'm glad that we appointed Mr Brandt and that he moved in that direction. He's done a good job.

The other problem, though, that Mr Sampson ran into was that the employees of the liquor control board mounted a very effective and successful advertising campaign where they talked about the need to ensure proper supervision and to ensure that juveniles did not get served liquor when they should not be. The public said: "Yes, that's right. That's true. We don't want to move in the direction of Alberta and we certainly don't want to move in the direction of the Americans," which is a problem for this government because there are many within the ranks of this government who believe that anything American is right, and not necessarily just with a capital R. They want to move in that direction, but the public said: "No, Ontario's different. As a society we're not interested in that. We want to keep the liquor control board in the public sector partly also because it returns somewhere in the neighbourhood of \$700,000 a year in profits into the treasury of Ontario."

So the minister had another problem: He couldn't privatize the liquor control board. The public wouldn't stand for it. We get into the problem of diminishing returns. The minister is getting to a point where the things that he was responsible for privatizing, the public is saying to this government: "We don't want you to do that. We want you to back off."

1900

Of course, one of the other major assets — the major asset — that was slated for privatization was Ontario Hydro. The government has brought Bill 35 before the House and we are involved in a major discussion around the restructuring of Ontario Hydro, the breaking up of Ontario Hydro, the issue of stranded debt which was brought before the public yesterday where the government is socializing or putting into the public the vast majority of the \$32-billion debt. Somewhere in the neighbourhood of \$23 billion is going to be stranded.

The companies that will result will have so little debt — it'll be the responsibility of the public taxpayers to pay off that debt — that those companies will be very attractive for privatization. I suspect that this government may indeed be moving in that direction, if they were to get re-elected. However, the problem is, Bill 35 says this government is interested in competition in the energy field.

**Mr Lessard:** Low-cost energy.

**Mr Wildman:** And low-cost energy. There is no commitment to low-cost energy. If this government privatizes those companies, makes them so attractive that they will be privatized, it'll be very difficult for the other independent energy producers to compete with them, so there won't really be competition and there probably won't be low-cost energy. But that matter is still up in the air. What the minister realized is that dealing with Ontario Hydro is far more complex than the government ever anticipated, even though every government has discovered that.

So the minister couldn't move in that direction. That may be in the future, but he couldn't move in that direction. What did that leave him with? It left him with the highway. Now he's going around saying, "You want to buy a road?" It was suggested by one wag that perhaps you could say, "Buy 407 and get three free nuclear plants." That might make it more attractive, I don't know.

But the fact is this. When we were in government we built the 407. It was originally anticipated that it would be built with private capital, a public-private consortium, but what we found, to be very frank — the minister's had his problems in dealing in these areas; we found it too. What we found is the private sector could not raise the capital to build 407 as cheaply as the government could, so we ended up with the taxpayers paying for 407 and the highway was built.

There had been talk about the need for 407 for years and years before we got into government. Particularly people in the northeast section of the greater Toronto area, or the northwest, all knew there needed to be a new east-west artery to carry traffic and take pressure off Highway 401. Everyone knew that, but it wasn't built. We built it. We built it with private involvement but we came to the conclusion, as did the private sector, that the public needed to build the road because it could be financed in a less costly way.

So now it's built. There's still some to be built in the east end —

**Hon Mr Villeneuve:** Both ends.

**Mr Wildman:** — at both ends, but it was built. You've got to give us credit for that at least.

This government is now saying, "Now that the taxpayers have built this road, we're going to privatize it, but we're going to take off the safeguards that were put there before." Before, this was going to be a toll road and the tolls were going to be there until the debt for the construction of the project was completed. In this bill, that safeguard is removed.

This means that any private investor that purchases and operates the highway and will be charging tolls in order to make a profit will not have to end the tolls once the capital construction is paid for, once the financing is paid for. That of course is how the private investor is going to make the money. They're going to make it by charging tolls and they'll be able to charge tolls as long as they like into the future. There will be no end to that.

In Sault Ste Marie, near where I live, there is a bridge, International Bridge, between the two Soos. It was financed publicly. There are tolls on that bridge but everybody understands that when the capital cost of that bridge is finally paid for — it's going to take in total 50 years — those tolls will be removed. Not any more under this bill with Highway 407. The private sector will continue to charge tolls. Also, there's no guarantee that they won't jack up the tolls. As traffic increases, congestion increases on the highway and more and more people have to use 407, those tolls will increase.

How is this going to serve the needs of the travelling public? I know it serves the needs of the minister, who has to be able to say to his cabinet colleagues and to the members of the Tory party that he did indeed privatize something. He was supposed to privatize something. He wasn't able to privatize most of the things he was responsible for, so now he's come up with 407. He can privatize it and it'll mean the travelling public will be paying higher and higher tolls forever and there will never be an end in sight.

I understand the problem the minister has experienced. I understand his need to be able to go around and say to people, "Want to buy a road?" But I think he should be saying, "Buy this road —"

**The Acting Speaker:** Thank you. The member's time is up. Questions and comments?

**Hon Mr Turnbull:** Just to get a few points on the record, when the Liberals were the government for five years there was virtually no investment in roads in this province. They absolutely abandoned the roads.

*Interjections.*

**Hon Mr Turnbull:** You can shout all you like. You didn't spend any money on the roads, even though you jacked up spending to record levels.

The NDP, at the beginning of their mandate, really didn't spend much but to their credit recognized that we did need roads and towards the end started to spend. They realized that they were in an economic crunch and looked to the private sector. They talked about public-private partnership and they looked to have the 407 designed, built and financed by the private sector.



A very curious thing happened. The day the quotes were opened, in secret — nobody in this Legislature knows what they were, other than the ministers involved in that, and still to this day it's not public — when they opened them, the deputy minister phoned me in my constituency office, as I was the critic at that time for transportation, on a Friday afternoon to tell me they weren't going to have the financing through the private sector. This is highly unusual for the deputy minister, who'd never been in contact with me before, to suddenly phone me up. But they never gave the private consortiums the opportunity to rebid on a different basis. This is the hanky-panky they got up to.

Now we need to expand roads and we've got to expand them quickly to make sure that the huge increase in trade that has occurred under our government is supported by infrastructure. We need to make sure that the private sector comes in and gets on with the job that the NDP had absolutely no plans for beyond saying, "OK, we'll finance it," and they left a \$100-billion debt.

**Mr Michael Brown:** I appreciate the comments of the member for Algoma. As we are thinking about the 407 and what should be done with it, I think one of the things the minister for privatization probably would agree with is that in the sale of this important asset of the people of Ontario, he really has to consider what the bid is. That really tells all, doesn't it? What is a toll road worth these days? What's the going rate for a toll road in the province of Ontario or, for that matter, anywhere?

One of the difficulties governments have is determining what the appropriate price might be for an asset they're willing to dispose of. Frankly, toll roads, nuclear plants, generation plants, those kinds of assets sometimes don't have the largest market in the world.

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We have seen privatization of crown assets in this country and others, and one would have to think perhaps a prudent government, rather than ending up getting a fire sale price for an asset, might be wanting to consider this in terms of maybe even something like Air Canada or CN, where we offered shares to the public in the crown corporation after being privatized. It happened over a period of time so that the government would realize the best possible price rather than be at the mercy of some market forces which may — who knows — put us at the bottom of the market rather than at the top.

I would think the minister, who would want to be crunching the numbers, would want to make sure that he hits the market at the top for toll roads.

**The Acting Speaker:** Questions and comments.

**Mr Lessard:** I want to congratulate the member for Algoma for making what was just a spectacular speech about the privatization of Highway 407, especially the part when he opened up his jacket and said, "Wanna buy a highway?" I thought that was pretty cool.

He made a good point in the fact that he said the Liberals had promised to build this highway, probably the Tories back decades ago had realized the need to do it, but it was the NDP that finally built the highway. The fact is

that it wouldn't have happened if it was left only to government. We know that because of the financial circumstances we faced at the time, and it was only through a public-private partnership that the highway was going to be able to be built.

Now that it has been built, why should we be privatizing it? We knew the benefits of the public-private partnership. Governments were going to be able to borrow the money at a lower rate than the private sector would do it.

*Interjections.*

**The Acting Speaker:** Order, please. Come to order.

**Mr Lessard:** We knew that the private sector wasn't going to be able to get the investment they needed to be able to build that highway. We wonder why it should be privatized now.

We need to see the reasons why this government is saying the highway should be privatized, but they won't make those studies public. Why not? We know the private sector is going to benefit from the construction of this highway. Higher profits are going to mean higher tolls for transportation here in the province, and those tolls are going to go on forever, well after the time when this highway is paid for. When I think about that, I think about how much people like my young son, Brett, are going to have to pay if they ever want to drive along Highway 407.

*Interjections.*

**The Acting Speaker:** Order.

**Mr Lessard:** This government is socializing debt and privatizing profit, and it's wrong.

**Mr Doug Galt (Northumberland):** I was quite impressed with the speech as well. It's the first time I've seen a member stand up and throw open his coat to advertise a lining made by Harry Rosen. I congratulate you. I don't know if you're getting paid to advertise for Harry Rosen or just what you were performing there, but I didn't notice any watches or any roads or anything else in there on that lining.

It's interesting that the member for Algoma talked quite a bit about the LCBO. It's interesting, as our minister responsible for privatization looked at the LCBO, what a turnaround occurred in those stores. The kind of service, the selection that's available in the stores, that was the real thing our government was all about: improving the service and improving what was going on in these stores. That was very effective.

The member for Algoma talked about the profit and how much profit there is. With the amount of tax that's charged on liquor, it's not surprising there's good profit. Also there's a markup. I think the average bottle is around \$3 or \$4 and the markup is around \$8, \$9 or \$10. So it's guaranteed to make a profit. What we were talking about was efficiency in handling those stores and in the operation of those stores, and that certainly happened.

He gave several examples, but the other one I wanted to refer to was TVOntario. There were all kinds of private channels out there, and it was high time it was addressed and that we took TVOntario and put it in the context of its original intent. That's really what is now happening. It was, again, something we examined very carefully. We

listened and we consulted, which is a rare thing for the opposition. They didn't do that.

*Interjections.*

**The Acting Speaker:** Order.

**Mr Galt:** It's a rare thing for them to have been doing. We found out it's a good idea to leave it as we —

**The Acting Speaker:** Thank you. Your time has expired. Member for Algoma.

**Mr Wildman:** I want to make one clarification. The member said that this had Harry Rosen in here. Actually, it doesn't have anything there, but if it were to have anything, it would be O. Perri, tailor, Sault Ste Marie, one of the best small businessmen in Sault Ste Marie, and I'm pleased that I was able to purchase this suit from him, if you're interested.

Having said that, the point that is crucial here is that section 47 of the Capital Investment Plan Act is not applicable to the 407. The minister has not explained what the reason is for that. That means that tolls can continue to be paid by users of this highway even after the road has been paid for. This sounds like a rip-off to me. The fact is this: The public has financed this through their taxes. The public is paying for this road already. The private sector has not had to do that; maybe they should have, but they haven't. The private sector hasn't done that and now, after it has been financed at public expense, we're going to privatize it, and the private sector is going to be able to continue charging tolls forever if they like. At the same time, as long as they own this, if the traffic increases on all of the other arteries in the greater Toronto area, there's no limit on the tolls that can be charged. They can charge what the market will bear, and we'll see that the travelling public is going to pay. They've already paid through their taxes for the financing of the road, and they're also going to have to pay through higher and higher tolls forever, as long as this road is in the private sector.

**The Acting Speaker:** Further debate.

**Mr Galt:** Thank you very much for the opportunity to address Bill 70 in its second reading, a bill that's about allowing the privatization of Highway 407. I think it's certainly the right direction to be going.

What we're really talking about in these different issues of privatization is whether the government should be operating for the public good or in fact whether a private company can provide for that public good in a more reasonable and affordable way.

Thanks to the minister responsible for privatization, we've been looking at a lot of these areas. We're not going the British route, where you just literally sold off everything as you came to it to the highest bidder. We're taking it in a very, very responsible way and addressing it as to who is best suited to serve and to look after these issues for the public of Ontario. We're very committed to reviewing these various issues.

I have a couple of quotes from the Common Sense Revolution, our platform, which actually came out back in 1994. "We believe the value of such assets is greater when being used to pay down the massive provincial debt than sitting on the government books." It was the kind of

debt that evolved over the lost decade, from 1985 to 1995. Indeed, it is time to get rid of some of that debt and get some of it paid off.

Even though the member for Kingston and The Islands talked about the debt increasing over the last year or so while we've been in government, it's hard to know just which side, as a Liberal, they're going to come at. They talk about spending more, and then they come back saying they think we should be getting rid of all the debt. I really don't understand, and I don't think they understand, just where they're coming from when they talk this way. It's a flip and then it's a flop and then it's a flop and then it's a flip as they move back and forth with the different positions they take. Then they talk about the tax cuts. Well, of course the tax cuts are what is stimulating the economy and increasing the tax revenues coming into this province by a significant amount or the debt would be climbing even faster. It's really difficult to understand when they talk about the debt that is still increasing when they want us to be spending more.

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It goes on to say: "Marketable provincial assets will be transferred to an arm's-length corporation charged with their sale. Strict criteria will be established for selecting which assets we sell, and rigid guidelines will be established for protecting the public interest."

It goes on to say, "When a deal for a sale is made, it will be independently reviewed" — exactly what we're doing. "A rigorous conflict-of-interest policy will be enforced and the entire process will be open to scrutiny by the Legislature and the public."

That's really what Bill 70 is all about: It's open, it's in front of the taxpayers of Ontario.

As I look at the performance of some of the governments in the past, I look at bill passage and the number of days government sat. In the first three years of the previous two governments and our own, our government sat for 361 days in the first three years and passed 89 bills. That sounds like quite a bit. The NDP, in their first three years, only sat for 278 days, almost 100 days less, and they passed 143 bills. The Liberals, who sat for 297 days, that's 64 less days, passed 183 bills — more than double the number we passed in our first three years.

If you look further down, at how many hours were spent on the second reading of these bills, the PCs spent four hours and 50 minutes on second reading. The NDP, by comparison, spent one hour and 28 minutes, an hour and a half; the Liberals, an hour and eight minutes for second reading. They're the ones who talk about consultation. They should have had more time dealing with second readings of their bills.

The really interesting one is the third reading. In the first session, our government spent two hours and 10 minutes on third readings. The NDP government spent 48 minutes, and the Liberals spent a grand total of seven minutes for each bill on third reading. That is quite the consultation they carried out.

*Interjections.*

**The Acting Speaker:** Order, order.



**Mr Galt:** Also, as I look further down, at the length of time spent on the road for committee hearings, actual committee hearings on the road, we spent 773 hours and 29 minutes. The NDP spent a little more than 100 hours less, 645 hours; and the Liberals about half the amount, 349 hours and 45 minutes. That is the party that keeps talking about consultation in this House.

There are many reasons for privatizing different aspects of crown corporations or things the government may own; one is that the activity may be maturing and it's ready to go out into the private sector. It may be monopoly, something like Ontario Hydro, that sort of got out of control and it's time that competition was brought into that particular marketplace, or it may simply be that there is competition in the private sector and it's time that activity did get out and compete with the private sector rather than being supported by a government agency.

In the past, it has been very necessary for the government to provide and to initiate different activities. Whether we talk about communication or the supplying of electricity, often it takes government to get some of these new ventures going. As we move along, times certainly change, and the private sector should be there to look at a variety of service alternatives that may be supplied by it.

Now as we look at it, there are a lot of activities out there that could be run by the private sector, with government acting as a coordinator to ensure they're carried out properly. It's important that government be there to have an opportunity to ensure that the public interest is up front. The government has a job to ensure that the services are reasonable and that the services are also affordable. We need to ensure that there is a level playing field for many of these activities that have been with government that we're putting out to the private sector. We need to oversee the process that service providers have so that there is competition in that market and the competition is on that level playing field.

We have a commitment, as I mentioned earlier, from the Common Sense Revolution to review many of the services that were supplied previously by the government, and hopefully many of these will in the future be supplied by private enterprise. Our government has developed the Ontario privatization review framework and we're in the process of looking at a lot of the businesses that have been operated by government to see if the public can be better served by the private sector. We examined, with expert advice and with public input, a great range of privatization options that may or may not be used. Some of these options range from a total sale of the asset to developing partnerships with the private sector, joint ventures and also things like long-term leases.

Each business has been examined on an individual basis. As we mentioned a few minutes ago, a good example would be TVOntario, or we could talk about the LCBO, Ontario Hydro or, now that we're discussing it, the 407. In all of these examinations we've come up with different ways of handling how those activities should be operated in the future. The subject we're on now is the privatization of the 407. There's been a very thorough

review, some seven months of investigation, and the decision has been that probably private operation would be the preferable route to go and to have the private sector manage and maintain the 407 in the future.

It's important to remind the Legislature and the people of Ontario that it was the third party, then-Minister of Transportation Gilles Pouliot, who made a statement in a release that came out on February 10, 1993, "We cannot afford to wait for traditional sources of financing to move ahead." I well remember attending the Good Roads convention in February 1993 — I believe it was later in the month — and listening to the honourable Gilles Pouliot speak at that time, a very entertaining speaker. I was very impressed with his comments at that time. I don't recall the exact words but I went away with the impression that yes, 407 would be built by private funds.

We're hearing in the Legislature this evening that they ran into some trouble getting the private consortium to build it because they couldn't raise money. It may have related to the fact that we were in a recession; it may have related to the fact that the debt was accumulating at such a rate and to the financial situation of the province. Our debt was up, our deficit was up and everything was in trouble. Maybe that's why they were unable to get any financing at the time.

Our government is not waiting for some magic dollars to come along to finish 407. We're taking action to sell it to the appropriate bidder. This goes along with some of the thinking by Osborne in his book *Reinventing Government*. A quote from that: "It is a way of using public leverage to shape private decisions to achieve collective goals. It is a classic method of entrepreneurial governance: active government without bureaucratic government."

There's no question in my mind that this decision is in the best interests of the taxpayers of Ontario. This contract will be designed and will allow government input at any time. It won't be like Ontario Hydro, where it's at such arm's length and where the Ontario government has absolutely no — I shouldn't say "absolutely" — but almost no input, one of the reasons it's moving to competition; or something like the Ontario realty board, again a crown corporation at arm's length. The government will have direct input on a periodic basis. We'll certainly monitor that contract to ensure that the conditions are met, conditions that will have high standards, in areas such as financial management, the building, the safety and also the environmental regulations.

I can assure you that the new owner will have no special privileges. He or she — they — will be required to step into the shoes of the province and therefore will have the same restrictions as if the province were operating that particular highway. Then the government can use its energies to focus on other issues that are important to the people of Ontario — certainly, 407 is also important — but issues like health and classroom education, personal safety and also the development of other infrastructure in Ontario.

It's important, as I mentioned a minute ago, that there be some retention of government control. Certainly the

government is responsible for the public interests of our society. The government has a responsibility for the public goods and that they are produced in an efficient manner, in this case the opportunity to drive on a highway that isn't congested that bypasses 401 and the downtown core of Toronto. Our government will sell this highway only if specific and strict conditions are met. It's certainly not going out on a fire sale to be given away. It is going to have to bring an appropriate price. One of the conditions that will be continued is unrestricted access by all vehicles. I see that as a very important condition. We can't screen out some of the heavy vehicles, for example, that are harder on highways. It must be open to all vehicles that want to get around the city of Toronto.

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There certainly will be a requirement that there be compliance with the safety standards of building that road and the extensions, the same as if it were any other road in the province. I'm pleased to see right in the legislation that it states it will be subject to environmental assessment as if it were a province, where it's into class EA, and that's very important, particularly when we look at the east end, moving out east of Brock Road to 115 that goes across the Oak Ridges Moraine, a very sensitive area. It's important that the environmental assessment is there and in place when they're looking at developing that end of the road.

Also, one of the conditions will be to see that the extensions both east and west will be completed in a reasonable time. We want to have it go from the QE up and around Toronto all the way through to 115, so traffic, say, from Montreal and Kingston moving through to Windsor or moving on into the US can get around the very congested area of Toronto, which occurs on occasion, of course. It's not surprising, being the largest city in Canada.

This is certainly going to be good for all of Ontario. It's going to help meet future transportation needs. I believe the minister of the day back in 1993 made some comment at the Good Roads convention to the effect that if they had to raise enough money, he'd have to get re-elected seven or eight times and it would be 2028 before it would get built, and that this is the right route to be going with private enterprise. We're continuing with the philosophy that the minister of that day had.

The transfer will take an awful lot of the risk from the province and put it on to the owner, who will have the ownership and be responsible for the construction. There will be a diminished dependence on provincial funding, therefore provincial funding will be more available for other activities. The owner, of course, will bear the costs of the completion, the costs of the upgrading and maintenance and also the costs of policing of that particular road. It's great to have these dollars that can then pay off a portion of the debt and also free up other dollars to be used to help reduce the debt and the deficit.

One of the benefits I made reference to earlier, and being parliamentary assistant for environment, that I'm very concerned about, is that the environmental assessment would be transferred to that new owner the same as if it were a province. That new owner will be really

walking in the shoes of the province when it comes to things like environmental assessment.

By having the bypass, we'll get rid of the stress and the congestion of the 401. When cars and vehicles are generally sitting and idling or accelerating or braking, there are a lot of pollutants released, a lot of fuel wastage, and this is not good for our environment compared to a nice flow-through of traffic. The Minister of Transportation recognized that in his press release back on February 10, 1993: "We need to build Highway 407 now to relieve the stress on Highway 401. We must also reduce fuel waste and pollution caused by congestion on the 401 and other east-west routes."

It's important also to realize in this debate that what's being sold is a highway and the upgrades on that particular property. We are not selling the land or the grounds that the highway sits on. It's only the upgrade. The province will continue to retain the ownership of that road allowance. By doing this, it encourages the province to maintain an interest in that road. It maintains an interest in the various areas of the environment that are surrounding it. Just to re-emphasize, I think it's important that everybody be very aware, in this transfer of ownership, that the Environmental Assessment Act will apply to that owner, that developer, the very same as it presently does with the province.

In winding up, I just want to make a couple of comments about something in connection with privatization that I heard on the radio on Sunday evening as I was driving to Toronto —

**Mr Wildman:** On the 407.

**Mr Galt:** — on the 401. It was the parliamentary secretary for the Minister of Finance, Tony Valeri. He is from Stoney Creek. I think I have it all right — it was while I was driving — trying to remember. He was the parliamentary secretary to Paul Martin. If I had closed my eyes and hadn't heard the name, I'd have been convinced that he was a member of our party. He was talking about privatization and what the private sector could do. He was saying that any of the surplus coming in should be paying down the debt. He was right on track; he was on message. That man knows what it's all about: good economic sense. The Liberals in this House could take a page from the book of Tony Valeri. I'd recommend they get a copy of what Tony was saying that evening on CFRB. It was very enlightening to hear a Liberal making those comments.

Bill 70 is the legislation necessary for the sale of 407, and I know this legislation will best serve the interests of the province of Ontario. I'm absolutely convinced that the taxpayers of Ontario will indeed be getting the best value possible sooner. They'll have the opportunity to bypass Toronto. Bill 70 is the right thing to be doing at this point in time.

**The Acting Speaker:** Questions and comments?

**Mr Richard Patten (Ottawa Centre):** I'd like to respond to the member for Northumberland. He began his talk doing a comparison of how much time various governments had spent on passing legislation. I don't know where he was going with that. He suggested that previous



governments had spent less time passing more legislation. Let me just comment on that. Perhaps the reason why was because you didn't have the hands of the opposition tied as you do today.

With the passage of rule changes in this particular House and the addition of another day so that the Tories can say, "We put in more time" — in other words, for the 100,000 people who are watching, this government considers the three hours from 6:30 to 9:30 another day so they can say, "We gave more days to other people," but they didn't really. It's all part of the same day and it's part of trying to control things and it's part of trying to put out the smoke and mirrors for things.

The member talked about Osborne and Gaebler. I'm glad he's reading things other than animal husbandry these days. The member talked about not selling the ground under the road. But I would ask him, if that's important enough to express, then why isn't it important enough to also identify in the legislation that we will ask the company or consortium, whatever it is, to negotiate a time frame from which that particular ground will revert back to the crown? Once you pave it over, you know it can't be used for anything else, unless it can be used for an airport. Of course you know that. It's not far away, but I doubt that is what's going to happen.

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**Mr Len Wood:** I listened to the member for Northumberland explain to the public out there why they couldn't privatize TVOntario, why they couldn't privatize the liquor control board — because the public would not allow it. They couldn't stand the heat that was generated out there from the public on the privatization of these two, TVOntario and the liquor control board.

Now the minister of privatization is saying: "Look, I have to privatize something. I've been appointed to cabinet, and my job is to privatize something. Maybe we should pick a highway, pick 407, and sell that off to the private sector, and we'll give them the right to charge tolls, user fees, taxes, on this road for the next 50 or 100 years or whatever, forever," instead of putting in the legislation that when the road is paid for and the government has been reimbursed for the money, the tolls would be eliminated. But they haven't done that. They've turned it over to the private sector to do it.

Where are the privatization studies that were done on the 407? We haven't seen them. We don't know if this is going to go out to committee or which committee it's going to go out to. We haven't heard any commitment from the government on that, and yet they're talking about trying to convince us that privatization of the 407 — to find money to give away to the rich people in Ontario, that is all this is about. They've given away \$5 billion or \$6 billion in a 30% tax cut, and now they're going to try to find \$1.8 billion in the private sector to give away to the wealthiest people in Ontario. At the same time, the debt that the Tories are building up has increased over \$20 billion.

**Mr Jack Carroll (Chatham-Kent):** It's always a pleasure to comment on a speech given by the member for

Northumberland. He always has such a great command of the issue and has all the facts at his disposal. In one of his last comments he summed up the whole argument, and that is, the best value for the taxpayer.

The New Democrats, to their credit, when the member for Lake Nipigon was the minister, understood the necessity of having the private sector involved. They understood that the government could not be everything to everybody. I struggle a little bit with their talk, that the taxpayers have paid for this. As I understand, there is still a substantial amount of debt associated with the road, so I don't think it has been paid for. Taxpayers are servicing their debt.

There is a business case to be made. We hear, "The tolls will go out of sight if the private sector owns it, and they will go on forever." Those of you who have been in business will understand that the law of supply and demand is an issue. If you lower the price, normally the usage goes up; if you raise the price, usage goes down. The private sector will have to be cognizant of that. Also, as we've seen with the 401 and others, roads wear out, so the private sector owner will have to put some reserves away to repair the road and maintain it.

Anyway, we know where the New Democrats stand. The really interesting thing in all of the discussion I've heard about Highway 407 is that we really don't know where the Liberals stand. We know their leader can take positions. A couple of weeks ago he took a position. We heard him take a position. I'm not sure all his members liked the position he took, but he did take a position. The Liberals are the next to speak, and I would love to hear whoever the speaker is stand up and tell us, once and for all, are they or aren't they in favour of the privatization of Highway 407?

**Mr James J. Bradley (St Catharines):** I thought that the member, somewhere along the line, would make a confession about the millions upon millions of dollars this government is squandering on self-serving, self-congratulatory political advertising, and I wondered if that would be accompanying this bill.

What the public out there should know is that the government is now embarking upon yet another campaign, at taxpayers' expense, to try to purvey its policies to the people of this province on health care. They sit there smugly, these people who go to church on Sunday morning and then seem to check their ethics on the front step or something like that, because ethics would dictate that you wouldn't take people's money to be spending on self-serving advertising the way this government is. If you're going to be ethical, if you're going to play the part, you've got to play the part all the way through.

I hope the member speaks to members of his caucus, I hope he speaks to the Premier, and tries to get the Conservative Party to pay for this advertising. This is being paid for with hard-earned tax dollars by the people of this province. I'm afraid they'll do it on this bill as well, another \$4 million advertising campaign, all self-serving political advertising, and they sit there smugly — the people should know — with smirks on their faces. Surely

there is somebody with a conscience over there who would say, "Take the money from the overflowing coffers of the Conservative Party," overflowing from the millions of dollars they're getting from the most powerful and the richest people in this province. I ask him to have his government end this blitz of advertising that's taking place at public expense.

**Mr Galt:** First, many thanks to the member for Chatham-Kent for his very kind comments. My response to the member for St Catharines — I guess I'd go with a question: Why did your government spend so much more on advertising than our government does on an annual basis? You sit there shaking your head, but that's absolutely the way it was. You and Peterson and Patti Starr spent all kinds of money on advertising, making us look like pikers by comparison.

**Mr Patten:** No, we did not. You're lying.

**Mr Galt:** I listened to the comments of the member for Ottawa Centre —

**The Acting Speaker:** Hold it a second. Could you withdraw that comment, member for Ottawa Centre.

**Mr Patten:** Yes, I'm sorry I told him he was lying.

**The Acting Speaker:** No, just withdraw, please.

**Mr Patten:** You want me to withdraw?

**The Acting Speaker:** Yes.

**Mr Patten:** I withdraw.

**The Acting Speaker:** Go ahead.

**Mr Galt:** The member for Ottawa Centre seemed — I guess I hit a rather sensitive chord when we were speaking earlier. He was talking about the comparisons I was drawing. I think the member for Ottawa Centre would know and should know there were no rule changes for the first two years, so for two out of those three years the rules were exactly the same. That's a very poor response on his part. He's pulling on his coat; maybe he's going to sell a watch or something.

The member for Cochrane North said we couldn't take the heat. I think we can take the heat on a lot of issues. I don't know of a party in government that has ever come through; we're doing what we said we were going to do.

**Mr Baird:** We're here to fix government.

**Mr Galt:** We're here to fix government, there's no question. If it hadn't been for the lost decade, it might not be necessary to do so much fixing and get the tool box out so often. Let me tell you where some of the heat was. It was entertaining for the power workers.

*Interjection.*

**The Acting Speaker:** Member for Cochrane North, order.

**Mr Galt:** They advertised like they were going to sell Niagara Falls, not the power generator but selling Niagara Falls. When you see a union using that kind of advertising, it's very obvious that there's something very seriously wrong, that this government had to do something, and we are. We're going to put Ontario Hydro out to competition.

**The Acting Speaker:** Further debate?

**Mr David Ramsay (Timiskaming):** Not only am I pleased to stand in my place tonight to talk about this, but I know the member for Chatham-Kent is very anxious to

know how we're going to vote on this, and it's a big thumbs down on this bill. If you want to know, that's it, and I've got 10 minutes to tell you why. It's not so much actually the principle of privatizing this piece of real estate, or the highway thereon, really.

**Mr Bradley:** No details.

**Mr Ramsay:** Basically that's what it is: There are absolutely no details about how you would go about that. We are sent here by the public to entrust that the public good is to be done on every transaction such as this that occurs. There is nothing in this bill to spell out how this transaction is going to take place.

In principle it might be the right thing to do. That's the way this got started by the previous government, that it is a toll road, so therefore it generates a revenue. Privatization might be the right thing to do. We would have liked to have seen you spell out how this would have been done.

My colleague from Algoma-Manitoulin brought up a very good point. He made a positive suggestion that when previous federal governments were looking at privatizing some of the crown corporations of the day, maybe there would be some very good examples, very successful examples, such as Air Canada, which he mentioned. That's a very successful example of a privatization that in the past, the way the country developed, was done as a national enterprise, and over time it seemed to be the right thing to do to privatize it, and my colleagues would agree with that. What you haven't spelled out here is exactly how this would happen. What are the details?

I see the minister of privatization is grimacing as he's walking and strutting about in the House here, but you really haven't given us that detail, and we would appreciate knowing. First of all, there's no cap or price or anything in here. There's nothing in this bill, for instance, to prevent the minister from selling this highway for \$1. You could do that if you wished to do that. There's nothing in here to prevent that: \$1, \$10 or \$100, whatever. There's nothing in the bill that would prevent that.

**1950**

Really, what we're saying is there's no public accountability built into this bill to assure the public that this is going to be done in a way that is above-board. In the briefings we have had from government bureaucrats, what is interesting is that there are no specific regulations ensuring a publicly accountable process for the sale of something the size of 407. This isn't included like the regular rules of purchasing that different ministries have. We know that over \$20,000 or \$25,000, whatever the limit is today, there is a tendering process that has to be adhered to. There seem to be enough watchdogs built into the government processes that that is adhered to. The public can be fairly well assured that is happening.

But the government of Ontario has never privatized an asset as large as this. The regular accountability regulations in government don't apply and you haven't given those details to us in this bill. That's why we are against how you're doing this, not what you're doing. We'd say to you that if you want to bring in amendments to show us and regulations to show us how you'd go about this, then



we could certainly take another look at this and give you that support if that's what you wish.

As our caucus has said, the legislation has written on it, "Just trust us and we'll dispose of this multi-million dollar asset for the good of all." But there are no details about the maintenance of this, how the toll rates would work in the future or expropriation for expansion of this road. Who knows if you're going to get into a 99-year proposition? This road obviously is going to have to grow over time. I know the land is there to do that but maybe more land is going to be required. Again, we don't know that. Other issues such as this in running a public highway really should be spelled out. After all, we've had hundreds of years of experience in this province of running public highways. We should be able to put that in the bill to give people the assurance of what's going on. That, in short, is the answer to the member for Chatham-Kent.

I would like to talk about some of the other privatizations that you are considering. It's interesting that this government, while campaigning on a wide scope of privatizations, has reined in some of those, at least for now, probably up till the next election. I'm sure if they were to form the government again, some of these old chestnuts of theirs, like the LCBO, would be back on the table. They've pulled back sensibly from the privatization of the LCBO, even though we're talking about the government in the business of selling a commodity, because of the protection of our young people and the control that the LCBO structure offers.

In rural areas, in northern areas such as I represent, I would fear the privatization of the LCBO for another reason, and that is the matter of selection. In many smaller stores up north, depending on how they're privatized, if they're privatized so that average convenience stores got a piece of this, I could see seven different types of rye on one shelf and one brand of wine at the end. That would be all the selection that people in far northern areas would have, not the vast selection that is available today in our LCBO system.

The other genius of the LCBO system, when you talk to people in other jurisdictions who deal in beverage alcohol, is that the LCBO is the largest purchaser of beverage alcohol in the world. Because of that, we get the very best price for beverage alcohol of any jurisdiction in the world. Whether you go to California or New York state, there it's agents who are purchasers for, yes, very large populations, but they're only purchasing a few brands for that population or maybe even a sector of that population. We're much better off here, served by the system that we have.

The other area I'd like to touch upon is something the government is flirting with, but we're not sure how committed to, and that is the privatization of jails. I'm very happy to see the Solicitor General here today. It looks like they may not be privatizing some of the new superjails, even though they flirted with that. I would commend the government for that decision. The only problem is we're not sure how long in the future that is going to happen. Again, I think it's going to happen up until the next

election. Who knows after that, depending on what happens after the next election.

I would say to the Solicitor General that if a Liberal government was elected next time, we would not be privatizing the jail system in Ontario, and for very good reason. Incarceration and coercion, the exercise of any type of force over citizens, is probably the most important and intrusive state power that a government can ever exercise over its citizens. You really shouldn't contract that out to the private sector because the very nature of corporations is to do well for themselves but not to do the public good. To contract that out to a corporation is absolutely wrong.

You're going to get into some of the fiascos that have happened in, for example, Youngstown, Ohio, where there is a privatized jail that is just not working. The reason is that every dime spent is 10 cents less profit for that company, so you start to cut back on wages, you start to cut back on staff training and preparedness in dealing with offenders. These types of issues start to build an operation that becomes a disaster, such as the jail in Youngstown, Ohio. That's the type of thing that we fear. The people who have direct supervision of our offenders in our facilities must be directly accountable to the state.

I'd make the case that it's very different running a jail and supervising offenders and protecting their rights as is their due from, say, contracting out the collection of garbage or dealing with other commodities or even, I suppose, privatizing Highway 407, a completely different issue. I would hope the government would apply this philosophical thinking as to what may be the functions of government, those very core functions of government that must remain in the public domain. Those are very important.

That's the type of thinking process you have to go through before you make the decision of holus-bolus privatizing everything the government does. There have to be those core functions that remain in our control, remain for the sake of public accountability because that is our job here. That's the reason we are here. That is what we are entrusted to do by the people who elect us. It's a very important function. It's something we must ensure that we keep in the public domain.

**The Speaker (Hon Chris Stockwell):** Questions and comments?

**Mr Lessard:** I'm glad that the member for Timiskaming has clarified once again the Liberal position this evening. He says that they're opposed to the method, I guess, of the privatization of Highway 407, which means in principle they're really not too opposed to it; in fact, maybe they think it's a good idea.

However, we are opposed to the privatization of Highway 407. We built 407 as a public-private partnership, but we weren't interested in the wholesale privatization of Highway 407. We knew that there needed to be some private sector involvement because the private sector wasn't going to be able to build that highway without public sector involvement. We think that what this is all about is an ideological bent to privatize something because the minister has to come up with something to privatize.

He wasn't able to privatize the LCBO. The Tories like to take credit that they've been involved in a lot of the initiatives to improve the LCBO, but I want to make it clear to the members of the government that it was our government that initiated a lot of the improvements to the LCBO. It was the member for Riverdale who was primarily involved with ensuring that the business practices of the LCBO were improved, that they become more involved in the marketability aspects and promotion of their products, improving the locations where they sold their products. I want to commend the member for Riverdale for her efforts.

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**Hon Mr Sampson:** I want to respond to some of the comments from my colleague across the floor, the member for Timiskaming. He spoke for most of his time about the process that will be involved as we proceed with the proposed sale. He also spoke very briefly and expressed some of his frustrations, and I gather his caucus's frustrations, that the terms of an actual deal can't be laid in front of this House at this point in time in the consideration of the bid. Of course the terms can't, because we haven't started the process that will actually allow us to solicit bids from interested players.

To go out to the private sector and say, "Listen, this is exactly the bid we want to see from you" and "This is exactly," as one of his colleagues said before, "the price we want you to pay," why bother to go through a tendering process? If that's what Liberals believe is a fair and open tendering process to encourage the private sector to come forward with innovative ideas as it relates to construction techniques, as it relates to financing techniques, as it relates to the operation of the highway, if that's their idea of how they solicit good ideas from the private sector, I'm a bit concerned.

The member talked about process and I want to assure him that I am indeed also concerned about process, and that's why we spent a considerable amount of time researching and looking for the right process to apply to these rather large transactions. We came forward with the review framework, which allowed us to properly consider ways to partner with the private sector and ways to implement partnership structures.

The exact procedure we will use, the exact steps we'll use, the way in which we intend to evaluate RFEIs will become very public and very open when we proceed with the final transaction, when we start to actually solicit bids. It will be as transparent and open as humanly and commercially possible.

**Mr Patten:** I want to commend my colleague from Timiskaming on his comments. I think he dealt clearly with the reservations that we have in our caucus. The minister attempted to address those, and I appreciate his comments in responding to the member for Timiskaming.

I think it is possible, by the way, Minister — it wouldn't take all that much to change my mind. I don't think we're totally in opposition to it but we have some worries and concerns which can be rectified through amendments at committee or at hearings, or whatever it is.

Why can terms of reference related to your particular project not be put out, and the identified criteria?

**Hon Mr Sampson:** That's not a problem.

**Mr Patten:** OK, that's not there at the moment. If you're saying there are no problems, terrific. We can expect then that would be an amendment coming from us or from the government side, preferably from your side because you'd be happy with it if you proposed it, and we could discuss it. That would be a good start.

The terms of reference of course — you notice my friend from the NDP from Windsor-Riverside who was just illustrating a flip-flop. You know, that party always does that. Here's privatization. They started this project on a privatization program and now they're in disagreement with it. I fail to understand. If you're going to go down to a privatization bid, at least don't hook yourself into being caught with having to provide the financing. At least that's one particular situation that this piece of legislation does address.

**Mr Len Wood:** Briefly, on the member for Timiskaming, I know he talked a lot about the privatization of the LCBO not being a good idea, especially in northern Ontario. It's quite obvious this government has backed off on the privatization of that until probably after the next election. Hopefully you don't get another mandate.

I'm not sure exactly, from listening to the member for Timiskaming and the other Liberal member who made the comments, what position they're going to take on this. We've taken the position that Highway 407 is good the way it is. It should not be privatized and the extensions that have to be put there should continue to be funded the same as any other highways that were built right across this province and continue the tolling of the highway until such time as it's paid for and then the tolls would be eliminated. We've taken the position that that is the right way to go.

At the same time, we're demanding that they bring forward the studies that were supposed to have been done on this. We've asked that they reveal these studies, bring them in and table them in the Legislature, to see if this is the right way to go or if, as the member for Timiskaming said, they are going to give away this highway to their friends for a dollar or \$10 and continue tolls for the next 50, 100 or 200 years so that the private sector would continue to make a profit off this highway.

That was not the intention. The NDP government built the highway. We're proud that we built it. The cheapest way to do it was with a joint public-private relationship. It was built and it's a good, safe highway built out of concrete that is good for years and years to come.

**The Speaker:** Response, member for Timiskaming.

**Mr Ramsay:** I also, like some of my colleagues, was quite blown away by the comment from the member for Windsor-Riverside, whose party in government previous to this one had started this privatized highway, but I guess they've changed their mind on that.

To the minister of privatization, the basic framework is what we are talking about. We are not talking about price. You obviously can't have transparency about dealing with



the price, but we would like to know about the basic framework of how this highway is to be transferred to the private sector. The legislation speaks to additional side agreements to be established to settle issues such as future expansion of the highway, the tolling process and matters related to privacy concerns, police access and maintenance. These are broad frameworks that should be there. There should be transparency in the basic framework of the process, not the details. We certainly don't ask for that as you look for proposals from the private sector, but we should know what you have in mind for the future of this highway and how it should be operated.

Should, for instance, there be some sort of percentage of the future tolling revenue paid back to the taxpayers of Ontario, or we are absolutely going to sign this thing off for 99 years and let all the profits go to the company?

What will be the safety standards that will be demanded of this highway? This highway is built with a few safety standards shortcutted off from what they were a few years ago, but that's the way the previous government had tendered that. I imagine that over time our safety standards are going to change. We're going to have new ideas about what makes a safe highway. Are we going to build into this agreement the safeguards to ensure that the new owner, whoever that is going to be, will over time install the new safety standards?

**The Speaker:** Further debate?

**Mr Lessard:** I don't think it will be any surprise to the members in this House when I say that the initiative with respect to the privatization of Highway 407 is just another example of this government going too far, too fast, and in the wrong direction. This government is talking about raising the limits on 400-series highways up to 120 kilometres per hour. On Highway 407 we wonder whether the speed limit is going to be unlimited. That's how fast they're heading us into this privatization direction, at an unlimited speed limit. That's how we're going.

There are a number of issues with respect to this bill that cause me a great deal of concern, because this was a highway that was built as a public-private partnership. The member for Timiskaming made some mention of how it was the NDP that initiated this. Somehow, by implication, he was saying that because of the fact that the NDP was involved in the construction of this highway, somehow we were the ones that lead the present government into the privatization of it. That's an interesting suggestion. However, it's a real stretch to suggest that.

**2010**

The fact is that for a long period of time it was recognized that Highway 407 was going to be necessary in the province of Ontario to ensure that we had an efficient private transportation system, and by "private transportation" I mean that anyone would be able to drive on it without any restriction. We knew it was going to be impossible for the government of the day to be able to construct that highway completely without having a private sector partner, and that was the reason we did that. That was an initiative that was hailed not only here in Ontario but in many parts of the world as a successful

means and way in which we were able to add to our highway infrastructure and improve the transportation system in Ontario.

That didn't mean we were advocating the wholesale privatization of the highway system in Ontario, as the Liberals would like to try and have people believe. We weren't advocating that this should all be turned over to the private sector, because we knew what that was going to mean. That would mean the private sector was going to be able to control the revenues on that highway, and that's something we didn't agree with. That's the reason we put in place the restriction that said that once this highway was paid for, the tolls were going to come off.

But what Bill 70 provides for is that those tolls are going to go on in perpetuity. That means that whoever is the owner of this highway is going to be able to reap the profits of it from the motorists of Ontario forever. There's not going to be any limitation on that. It's natural that there is going to be population growth along the Highway 407 corridor. It's happened along a lot of the 400-series corridors. That's where the development is taking place these days. It is going to place increasing demands on that highway, and because of that there is going to be more opportunity to justify jacking up tolls. This is another tax, another tax grab from a government that campaigned on a promise to try to reduce taxes. It's another user fee that is being imposed upon residents in Ontario, at least residents who happen to want to drive around the city of Toronto.

One of the things I want to focus on specifically is with respect to how this bill is going to be implemented. One of the things the bill provides for, in section 6, is that "the minister for privatization may enter into any agreement that he" — it's a he — "considers necessary or expedient for carrying out the purposes of this act." We have no idea what that means. The minister can enter into whatever agreements he thinks necessary without having to have himself subjected to the scrutiny of this Legislature. That means we have no idea what sort of agreements he may feel necessary to carry out the objectives of Bill 70.

That ability to enter into agreements in secrecy makes me think of the fact that we have no idea why the government wants to privatize Highway 407 in the first place. They say they've conducted a study that justifies them going down this road — no pun intended. However, they haven't made this review public. I ask the government, why don't you make this review public? What is it that you have to hide? What are you afraid of? Why don't you want people to know? If it's such a good idea, why don't you table that study that says it is such a good idea?

The other aspect of this bill that is of concern is in subsection 14(2). It says, "The owner's powers set out in subsection (1)" — those sections deal with collection, establishing and enforcing tolls, enforcement of fees, interest rates to be charged on tolls and fees, the exemptions of certain vehicles, a number of things — "shall only be exercised in accordance with the terms and conditions set forth in an agreement to be entered into between the minister for privatization and the owner." At the briefing that I had earlier this week, I asked whether those agree-

ments were going to be public. I have yet to get an answer to that question.

This is completely unacceptable. That this government would engage in an exercise of the privatization of Highway 407, all of the standards of which with respect to the establishment of fees, the exemption of people who are using it and how they're going to collect those fees are the subject of an agreement that the public isn't going to have any knowledge of whatsoever, is completely unacceptable.

The other area that causes me a great deal of concern is with respect to the collection of information from those people who actually use the highway. We know that in order to use Highway 407 you have to have a transponder. It results in the automatic billing of the person who owns the transponder. But if you drive on the highway and you don't have a transponder, they take a picture of your licence plate and that information —

**Mr Wildman:** Photo radar.

**Mr Lessard:** Yes, it sounds a whole lot like photo radar to me. This government was a big objector to that.

However, they take a picture of your licence plate number and they have to find out who should be responsible for the payment of the fee. How they do that is they get that information from the Ministry of Transportation. I think drivers in the province would be very interested in ensuring that the information about their name and their address and the ownership of their vehicle was going to be kept confidential and not used for any purpose other than billing for the use of Highway 407.

Even though there is a provision in the act with respect to the confidentiality of that information, I think there needs to be something in there that provides some severe penalties in the event that the information is used for any other purpose, because I suspect that information has a whole lot of value to a whole lot of people who could benefit from the use of that information, in addition to a lot of people who are going to benefit from the privatization of Highway 407.

This is another example where whatever debt may be outstanding with respect to the construction of Highway 407 is going to be socialized from a government that disagrees with that socialist approach to things, and the ability to make profits well into the future is going to be privatized. That's going to be to the detriment of people who are driving on the highway and the rest of the taxpayers in the province.

**The Speaker:** Questions and comments?

**Mr Baird:** I'm pleased to have the opportunity to comment on the speech of my colleague the member for Windsor-Riverside. The importance of Highway 407 not just for the greater Toronto area but indeed for the entire province is significant, as I know he would agree.

I do find his supportive comments — he was a member of the NDP government when they first brought in this public-private sector partnership. He's perhaps less enthusiastic now that he's not in government. I'm reminded of a newspaper article I read not too long ago that the NDP was becoming too conservative, so they've backed up a little bit in terms of their support for privatization.

In dealing with the completion of Highway 407, it's important to look at the role of the private sector in terms of dealing with our fiscal challenges. This will allow transportation for those folks who live in the suburban areas and the regions around the greater Toronto area, for them to be able to get around, and most important, the increase in the number of transport trucks in transporting all of those goods that are being increased by all of the new jobs created in Ontario.

**2020**

I was disappointed that the member for Windsor-Riverside didn't mention the issue of taxes and the Liberal position on taxes. I was disappointed he didn't mention that. I read in *Now* magazine: "Not surprisingly, the question" of how the Liberals would pay for promises like education improvement "was on the agenda at the Liberals' retreat in Collingwood.... MPP Gerard Kennedy says he and some other caucus members favour a reconsideration of the position that they will 'maintain the fiscal framework'" of the Tory tax cut. We spent a fair bit of time talking about that in Collingwood," said Kennedy. "That was certainly the centrepiece of a lot of discussion. It covered a pretty good gamut. I don't think we have a consensus yet, so you could say there is a difference of opinion here. You can expect that," he said." So we know that the Liberals are now actively, behind doors in their caucus meetings, planning to raise taxes on the people of Ontario. Shame, shame.

**Mr Bradley:** I was hoping — and I know what happened; you're down to 10 minutes now under the new rules of the House — that the member would comment on whether he thinks there will be a major advertising blitz to go with this bill. As he would know, the government has booked time on television and bought these very slick ads, paid for by the taxpayers of Ontario, to do with health care, to try to convince people, for instance, that when they close the Hotel Dieu Hospital in St Catharines, after it has provided 50 years of outstanding service to the people, service which by the way was extolled and complimented by the Premier in a scroll that was read out by a Tory member recently at an affair to celebrate the 50th anniversary of the Hotel Dieu Hospital — whether the member thinks that to go with this bill we'll see that advertising blitz.

People should know, every time they see an advertisement on television, the commercials, every time they hear a commercial on radio, every time they open up the newspaper and see Mike Harris's smiling mug in one of these unnecessary advertisements, every time they reach into the mailbox and pull out a pamphlet with "Government of Ontario" on the bottom, that their hard-earned tax dollars are going not to keep the Hotel Dieu Hospital open, not to maintain outstanding health care services, not to ensure that we have an adequately funded education system, but rather to promote Mike Harris and his party.

These were the people, the member for Windsor-Riverside will remember, who made a virtue out of cutting. I'm going to ask the last question: Does he expect the



Taxpayers Coalition Ontario to be launching an ad campaign against the government ad campaign?

**Mr Wildman:** I want to congratulate my friend from Windsor-Riverside on his presentation. I want to highlight one particular point he made, and that is the fact that in this bill it allows the minister to enter into any agreement he deems necessary in order to implement the bill — the law — that is, the privatization of Highway 407.

In a way, this reminds me of the Three Musketeers story, where at one point Richelieu gives the leader of the guard a paper on which he writes, "The bearer of this has done what he has done for the good of the state: signed, Richelieu," in other words, *carte blanche*. He could do whatever he wanted, do whatever he liked. It was OK because Richelieu, the cardinal, the leader of the government, had said, "You can do whatever you like because it's for the good of the state."

This minister under this bill will have the opportunity to do whatever he likes to enter into whatever agreement he wishes because it's for the implementation of the privatization of Highway 407. What kind of accountability is that? We aren't in an absolute monarchy as Richelieu was. We are in a constitutional democracy, where the assembly has the responsibility to hold the government accountable for the expenditure of public funds. Any agreement entered into that relates to the privatization of this highway must be subject to the scrutiny of the public and must be subject to the questioning of this House.

**Mr Bradley:** He just loves to model his tie.

**Hon Mr Sampson:** I really do appreciate the opportunity to model my tie and to respond to the member for Windsor-Riverside, who spoke for a few minutes about the collection of information on the toll highway. Information now is being collected by those people who do not have transponders but choose to drive the highway because it is now, and will continue to be, an open-access highway.

Under this particular bill, should the Legislature deem to pass this bill, we're going to enter into a negotiation with prospective buyers. We're going to say to the potential buyer: "In accordance with the bill, you have to maintain the highway as an open-access highway. Anybody who chooses to drive it should be allowed to drive it." By the way, the only restriction, I believe, is on large trucks which even now must have transponders to drive on it. Yes, information will be exchanged with the potential buyer as it relates to those people who don't have transponders. Why? It's to collect the fees and tolls associated with the use of the highway, like fees and tolls are being collected from the people who have transponders.

We're also saying to the potential buyer: "Why don't you go to those people who don't have transponders and offer them transponders and make it easier for them to use the highway with transponders? Market it, like a toll highway should be properly marketed to make sure that the next time they go on the highway, they don't have to pay the surcharge, they don't have to pay the billing fee, they don't have to pay any other sorts of fees; they have the right to travel the highway using the transponder." It

just makes sense that those people should be contacted and told, "Listen, did you know that if you had a transponder, it would be cheaper?"

**The Speaker:** Response?

**Mr Lessard:** I just want to refer to the member for Mississauga West's comments about information. We know that we live in an information technology society. The value of information is increasing all the time. The collection of that information is going to have tremendous value. What this bill does is provide the private sector with access to a whole lot of valuable information that is currently on file with the Ministry of Transportation in Ontario. I think that's something that is going to benefit the private sector and create some incredible profits.

The member for Algoma makes a very good point as well: that the minister is going to be able to enter into any agreement he wants to in order to further the initiatives of the privatization of Highway 407. This is a government that's always interested in saving money, being more efficient. I wonder why they use 30 pages to set out this bill when all they could have said was that this is a bill to enable the minister for privatization to enter into any agreement he wants to privatize Highway 407. They could have put it on just one page because that's really what it comes down to.

The member for St Catharines talked about the ad campaign this government is going to initiate to promote the use of Highway 407. People can look forward to seeing that in their mailbox. When they reach into their mailbox, they can feel that other hand reaching down into their pockets, grabbing for another tax, another user fee. That's what the privatization of Highway 407 is going to mean: another user fee.

I think about the privatization coming for other roads, like the E.C. Rowe Expressway in my community. That's not something I look forward to.

**The Speaker:** Further debate?

2030

**Mr Klees:** I'm pleased to rise to speak to Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs, and stimulating economic activity through the sale of Highway 407. It would be good if we came back to the purpose of this bill, which is very clear.

The member for Kingston and The Islands has asked numerous times for us to clarify why we would do this and where the public interest lies in this bill. I'd like to point out to him that one of the things that will happen as a result of implementation of this piece of legislation is that there will be some 6,000 jobs created in the extension, the completion of this proposed highway. Certainly we couldn't see that taking place in the foreseeable future, because the fact is that we simply don't have the financial resources to do that.

Perhaps the member for Kingston and The Islands doesn't consider the creation of 6,000 new jobs in Ontario to be in the public interest. But I can tell the people in this province that certainly this government —

**Mr Gerretsen:** On a point of order, Mr Speaker: I would just like that member to know that I certainly think the creation of 6,000 jobs in the private sector is in the best interests of Ontario.

**The Speaker:** That's not a point of order.

**Mr Klees:** I'm pleased to hear that. On the first point I make, it's good to know that the member for Kingston and The Islands agrees that it is in the public interest to privatize this highway.

I would like to go on to the second point, and that is local economic growth. The greater Toronto area depends very heavily on the appropriate infrastructure to be put in place to support not only the economic growth that has taken place over the last three years under our government, but certainly the economic growth that we anticipate will continue to take place under the economic policies we have brought to this province and will continue to manage.

Apparently the member for Kingston and The Islands believes that it is not in the public interest to generate local economic growth. He may want to again rise on a point of order which isn't a point of order, but he would at least have an opportunity to clarify for the House and for the people in this province that he does in fact believe that local economic growth is in the public interest. Then we would have agreement on two points as to why this proposed bill is in fact in the public interest.

The NDP speaks of their initiative in creating a public-private partnership in the initial construction of this highway. I find their definition of public-private partnership very interesting. Apparently privatization, under their definition, means that you stick the taxpayer with all the cost and provide a management contract to the private sector. Under that definition of privatization, they succeeded in privatizing absolutely everything in the province, because they riddled this province with debt. There isn't a thing they did over a period of about five years that didn't accrue more and more burden of debt on the taxpayers, on the businesses, on anything that would move in this province. That isn't our definition of public-private partnership.

There seems to be a real concern about the fact that someone under this arrangement may make a profit. That's absolutely true. Someone will make a profit here. Public-private partnership means that there are winners on both sides. There's nothing wrong, nothing wrong at all with the fact that a party to an agreement that would purchase this highway, assume all of the risk, assume all of the responsibility of management, would also generate a profit.

At the same time, on the other side, what is the benefit to the taxpayer? Let me tell you about the benefit to the taxpayer. The taxpayer in this province would be relieved of the burden of debt that the NDP government, under their definition of public-private partnership, burdened the people with. I can tell you that at the end of the day, when this becomes a reality in Ontario, not only will the taxpayer benefit but, yes, the business that is doing business under the terms of this agreement will benefit, and that, we believe, is only right.

Reference has been made to responsibility. You say, what risk, what responsibility? Under section 28 of this proposed legislation it states very clearly, "The owner shall carry out the management of Highway 407 in compliance with the ministry safety standards used by the Ministry of Transportation for comparable controlled-access highways." The responsibilities are clearly there.

In addition to that, under section 29, "The Minister of Transportation may authorize such officials as he or she considers appropriate for the purpose of inspecting Highway 407 and carrying out an audit to ensure compliance with ministry safety standards." The suggestions that have been made that this is simply a giveaway to the private sector are absolutely false. There are many compliance requirements incorporated into this legislation that will ensure that whoever the successful proponent is will have very strict requirements to comply with safety standards, with environmental standards, and that the management responsibilities will not only be set out clearly but will be audited and compliance will be required under the terms of this proposal.

What does this mean to the people in the GTA? I can tell you that I certainly have had the opportunity to take advantage of this highway, and I commend the NDP for having taken the initiative, contrary to the Liberal Party while they were in government in this province for four to five years, who did nothing to support and strengthen the infrastructure in the province, allowed our highway system to —

**Mr Patten:** The 416. What are you talking about? The 416.

**Mr Klees:** You did literally nothing. You did a great deal to build the debt; you did nothing to build infrastructure. The people of this province have been asking the question for years now, what did you do with the revenue that was generated in this province during those very good years in the middle 1980s? Let's give the NDP credit. They understood there was a need to build this highway. The people of the GTA are benefiting from it. There is a great deal of economic development that is being generated as a result of it. They just simply had the formula wrong.

We made a commitment to the people of this province that we would right that wrong. The NDP righted the wrong of the Liberal government, who did nothing for infrastructure. We simply intend to right the wrong in terms of the formula that was used to construct and to finance this. There is nothing wrong at all with moving the risk and the responsibility on to the private sector, allowing them also to create some profit, to lighten the burden on the taxpayer. At the end of the day, there will be relief of the traffic congestion in this province because of the fact that as part of the obligation there will be a responsibility for the completion of both ends of this highway, which in turn will further lighten the load of traffic congestion.

We want to commend the NDP for having taken the initiative that they did on behalf of the people of the GTA in beginning this project. We will fulfill our responsibility



to the taxpayers of this province to now properly manage that project and complete it. We stand before the people of Ontario, the taxpayers of this province, and we are proud of the fact that once again we will be keeping a promise that we made, and that was to look at how we do business in this province and find a better way to do business on behalf of the taxpayer.

**The Speaker:** Questions and comments?

2040

**Mr Gerretsen:** The first thing I have to say is that the member still didn't give any reason as to why the province of Ontario should be privatizing this road. I've asked the same question now of the minister a number of times; I'll ask it of this member as well. He talked about some sections in the act giving the province some sort of say over the condition that the road should be built to and the condition that the road should be maintained at. Well, that's obvious. That goes without any reason. Obviously the road ought to be maintained up to provincial standards.

I would still like to know why it is in the public interest of this province to sell this highway. The minister can't answer it. Well, the minister has had some success in privatization. He has sold three tree farms since he's taken over that ministry some two and a half years ago and he's obviously looking for another project that will make his ministry a success. But the problem is, he can't do it. He can't do it because you cannot justify to the people of Ontario, if there is money to be made on this highway, why that money shouldn't flow to the public purse so that all of us in Ontario can benefit from the profits that are to be made from the highway. The minister knows it and the last member knows it. They can't explain it. If he can explain it, I would sincerely hope the minister will get up and for once give us a definitive answer as to why it is in the public interest of this province to sell this particular roadway.

If you look at the legislation, it is the most wide-open legislation that I've ever seen in the House, and from the senior members in my caucus, I understand that never has a bill been presented in this House that allows the minister to do almost anything with this road without public scrutiny. I think that's unacceptable.

**Mr Lessard:** I appreciate the member for York-Mackenzie praising the NDP government for initiating this project. He's right: There's nothing wrong with public-private partnership when it comes to projects of this nature. So I ask once again, why privatize Highway 407? If it's such a good idea, why don't you publicly present the studies that justify it, that say it's such a good idea? Show us the study. That's all we're asking.

Notwithstanding the fact that the public sector can borrow money at a lot lower interest rate than the private sector, the minister is still saying that privatization is a good idea. We know that's going to lead to higher costs. That means the people who are driving on the road are going to have to pay higher tolls.

Somehow they say that this is all justified because what the NDP did was to add to the provincial debt through the undertaking of these sorts of projects, so we need to

privatize everything, we need to sell it, get rid of it and pay down that debt. Somehow he's saying that it's OK for people who are driving to continue to pay the debt for this highway in perpetuity, even after it's been paid off. Somehow it's not OK for the government to have a debt but it's OK for people who drive on the highway who need to put the payment of the bill on their MasterCard or not be able to pay it for a couple of months; it's OK for them to have a debt. It's OK for students who have high tuition costs to have to take out student loans; it's OK for them to have debts. It's OK for seniors who can't pay their drug costs to have debts. It's OK for property taxpayers who can't pay increased property taxes —

**Mr Tilson:** I want to comment on the remarks made by the member for York-Mackenzie. The members in the opposition can't understand why we're introducing this bill, and yet every member of the government has stood up, one after another, and told you exactly why this bill is being introduced and why we're asking that it be accepted by this House. The reason is because you spent all the money. It's all gone.

We've asked, "When was there a road last built in this province by an NDP or Liberal government?" The NDP, yes, started 407. They started in the middle and they didn't finish, or they didn't end it. They started this whole process of privatization, which I think we all acknowledge, with the exception of the Liberals, is a good idea. Simply, what Minister Sampson is doing is developing this development.

I look forward to the Liberals talking as to what their transportation policies are going to be, how they're going to solve the congestion problems around southern Ontario.

**Mr Gerretsen:** Cleaner fuel.

**Mr Tilson:** They say "cleaner fuel," but the fact of the matter is, are you going to build highways or are you not going to build highways? If you're going to build highways, where are you going to get the money? Are you going to raise taxes like you did when you were in government? If you're going to do that, then we've got major problems.

We have to continually look at new ways of doing things, and I think that's what this minister is trying to do, to develop a new way of building highways in this province. It's accepted by the NDP, I believe, that it's a good idea. Some Liberals say it's not a good idea and some say it's not a good idea. We'll see what happens when the vote takes place.

There simply, at this stage, is no plan by the Liberals as to where they're going to go. That seems to be the general policy with a lot of their issues. So we eagerly await the leader of the Liberal Party to come forth with a transportation policy as to how they're going to solve congestion around southern Ontario. Anyone who drives the roads, the 401, the QEW, knows that a good transportation policy cries out. This minister is solving it.

**Mrs Sandra Papatello (Windsor-Sandwich):** The last speaker mentioned that you want to see our policies. I ask the member opposite, we saw your policies during the campaign, and what you're doing today in government is

nothing like what was in that book. Your Premier said, "It is not our plan to close hospitals." You've gone forward and closed 35. So don't come in here and talk about policies and what you want to hear.

What the public of Ontario deserves is a bona fide debate over financing in Ontario. We deserve to know that Toronto General Hospital can go out and debenture a loan so that the debt is simply moved off the province's books for capital expense of hospital building on to the trustees and board of governors of that hospital, and not even with a guarantee by the province of Ontario. I think we should have a finance debate in this House about why all of a sudden you will send school boards into debt and debenturing and sending out bonds to raise money and raise debt for their board. Of course, there's only one taxpayer in Ontario, so you now commit every future government of Ontario to overpay operating costs of boards for hospitals and schools so that it can compensate for the extended financial costs of those boards in the future. That's the kind of debate we deserve in this House.

The same is true for the sale of 407. If the highway was doing so well, as the minister has said all along, then they would have been crazy to sell it, but we don't know that because they won't release those figures. If it cost this government \$600 million to \$700 million just to acquire the property in order to have the highway built, then the public deserves to know how much money the government is going to receive when it chooses to sell the highway. That is not an unreasonable question. That is eminently reasonable for us to ask, and it is incumbent on this government to answer those questions. How much are you selling the highway for? What kind of financing is the province —

**The Speaker:** Response.

**Mr Klees:** I want to thank all members in this House who participated in this debate for their comments. I thank the member for Kingston and The Islands for once again asking that very important question: Where is the public interest in this bill? Specifically, the creation of 6,000 net new jobs; the reduction of the public debt, which obviously the Liberal Party doesn't care about because all they did was increase the debt; economic development in the province; the contribution that a highway system in the GTA will make overall to economic development.

I can tell the member that his constituents — actually not his, because it's probably irrelevant to his constituents, but the constituents in the GTA understand where the public interest is in this legislation.

I'd like to thank the minister responsible for privatization for having the foresight and the leadership to bring this piece of legislation forward. Not only is it necessary for us to complete the expansion of this highway to relieve the traffic congestion in the GTA in the interest of economic development, but in the interest of following through on our commitment to the people of this province that we, when elected, would look very carefully at how the province does business and if in fact there is an area where we can include the private sector, where the private sector can do the job better than government and we can

relieve taxpayers' dollars to be used for better things such as hospitals, such as health care, such as social services in this province.

I believe the vast majority of the people in this province will congratulate this minister and this government for taking the initiative that previous governments refused to do or simply didn't have the vision to do.

**The Speaker:** Further debate.

**Mr Bradley:** I guess my first question is: Who's going to make a lot of money on this? I suspect they are going to be friends of the government who are lining up and rubbing their hands at the prospect of being able to make a good deal of money in something which is ordinarily the public domain. That will ensure that at the next fundraiser they will have to expand the convention centre even more to accommodate more of the rich and privileged at the fundraiser.

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**Mr Douglas B. Ford (Etobicoke-Humber):** More jobs.

**Mr Bradley:** My friend from Etobicoke-Humber says that will create more jobs. I can see that one place this government is creating jobs is in building bigger halls to hold the Tory fundraisers so they can get all those rich people in there shelling out their money. But I could tell him that they aren't spending that money on advertising, because they're spending the taxpayers' dollars on advertising right now. This must at least be getting at the conscience of some of the members.

I'm going to report this to the crime commissioner, the member for Scarborough West. I'll tell you why I'm going to report it to him. I'm going to report it to the crime commissioner because it is a crime that this government is taking money out of the pockets of taxpayers to launch these multi-million dollar advertising campaigns containing nothing but government propaganda, blatant partisan propaganda. In the past, I have asked the Speaker to rule on this, and I remember one of his landmark rulings, which said that he found it reprehensible, or words to that effect, that any government would use taxpayers' dollars for the purpose of bringing propaganda upon the population.

There's something else I wanted to draw to the attention of members of the House. I think the Premier of this province should launch a complaint with one of Conrad Black's newspapers, the St Catharines Standard. There's a headline in the paper that says "Paradise for Crooks" and right underneath they have the Premier's photograph. If I were somebody in the Premier's office, I would make sure I complained about this, because it says here, "Early arrival" and it shows the Premier right under a headline saying "Paradise for Crooks." Guy Giorno should get on this immediately, and there should be a front-page retraction of the fact that they've done this. I just wanted to draw that to your attention because I want to be fair to the Premier and I don't like seeing a headline — mind you, his photograph is on the front page of the Standard at the jobs and prosperity conference in St Catharines, which turned out of course to be, as my friend from Sarnia would



no doubt agree, simply a public relations effort on the part of the government. If anybody thought it wasn't, they had to listen to Al Palladini's speech.

First of all, the Premier protested too much. He said about five times, "Of course, this is non-partisan." I looked around the room and saw more than a fair share of supporters of the revolution sitting in that room, some of them extolling the virtues of what was happening. I saw some of the ministers there. If it were three years ago that they had held this huge dog-and-pony show in St Catharines, if it were three years ago that they were consulting people on how to create jobs, I would have said, "That probably makes some sense; it's good to consult." But on the eve of an election, with the Premier now heading around the province trying to sell his health care policies, when in fact in St Catharines we see the headline "Hope Dims for the Dieu" — the Dieu of course is the Hotel Dieu Hospital in St Catharines. As members would know, while they didn't privatize it, the hand-picked political hospital closing commission of the Mike Harris government —

**Mr Gerretsen:** The destruction commission.

**Mr Bradley:** The hospital destruction commission, as my colleague from Kingston says, arrived in St Catharines like Darth Vader today and announced that the Hotel Dieu is gone. They put the boots to the Religious Hospitaliers of St Joseph once again, as they did in Kingston, as they did in Cornwall. Apparently they don't think these people know how to operate hospitals, yet they have an excellent reputation in St Catharines. I was looking in one place and saw this scroll from the Premier. One of the Tory members read the scroll a couple of months ago saying, "I congratulate the Hotel Dieu on its 50 years of service" to the people of our community. Very glowing terms. Well, now the Premier is going to have to send a sympathy card, because his government just put the boots to the Religious Hospitaliers of St Joseph in St Catharines.

**Mr Sean G. Conway (Renfrew North):** You'll have to go to Burk's Falls for some inspiration.

**Mr Bradley:** In Burk's Falls, of course, they were doing the opposite. In the riding of the provincial Treasurer, they were opening a hospital, not closing a hospital. I should mention they closed Maple Hurst Hospital in Thorold as well; that was kind of left behind. According to the legislative library, that brought to 42 the number of hospitals, private and public, that have been either forced to merge or had the doors closed completely. It's lights out at the Hotel Dieu if this hand-picked commission by Premier Harris happens to have its way and the hospitals close.

The Speaker will remember because he was a Conservative candidate and may be again — he's now independent, as the Speaker, and totally impartial — will well recall, as we all recall, in the last election the Premier being questioned during the leaders' debate. It was Robert Fisher of Global News who said, "Premier, does your health care policy involve the closing of hospitals?" or words to that effect. Mike Harris looked into the camera with those blue eyes, and he'd slimmed down for the

campaign which they always do, and pointed his finger and said to the people of this province, "Certainly, Robert, I can guarantee you it is not my plan to close hospitals." The people who are supporters of Hotel Dieu Hospital in St Catharines today were very concerned.

I must say to the Speaker — he would no doubt be concerned about this; perhaps I'll raise it with him at a more appropriate time as a point of privilege — that I went to the pronouncement this morning, the dagger being placed in the back of the Hotel Dieu Hospital which has served the people in St Catharines so well for so many years, half a century. The dagger is placed in their back by the hospital closing commission.

I tried to get into the meeting. Here are the elected representatives. They're herded aside somewhere. There was a big meeting taking place that started before the other meeting, where we had the media there. I wanted to hear the media asking the questions. They would not let me in the door. I had my foot in the door; I was shoving at the door. They had a security guard of some kind from some Tory consulting company who had been hired by the government to keep us out. Sandra Pupatello made it in. She kicked the door in and away she went in. I didn't want to create a scene. But I'm going to tell you, here were the elected representatives, including some Tory members who are there, and they weren't allowed into the place. This is shocking. I plan to raise this as a point of privilege at the appropriate time with the Speaker of this House.

We're talking about Highway 407. I thought something rather interesting. Dalton Camp is now my favourite columnist when he writes because he's really putting you neo-cons in your place. He's really exposing you for what you're all about. He mentioned privatization of highways. "Here's the price," he says, "that the less fortunate in our society have to pay" for your kind of policies. He says, "We need to remember how we solved our deficit problem." These people solved it. They gave away money to the rich people and then had to borrow to pay for that.

**Mr Gerretsen:** And blame the feds.

**Mr Bradley:** And blame the feds or blame somebody else. He said: "We need to remember how we solved our deficit problem. We did it by getting religion. We sold assets" — sound familiar? — "privatized the King's highways, downsized the public service, cut public services, starved our armed forces, turned our backs on the poor, stinted on aid to students and to our universities, and astiduously nickel-and-dimed the seniors."

We remember how you nickel-and-dimed them. You now force them to pay \$2 every time they get a prescription in this province. They can make fun of that over there. I'm telling the seniors when I see them, I'm going to say to the seniors, that not only have these people charged you two bucks every time you get a prescription — seniors who have worked so hard to build up our province over the years — but of course you've ended rent control. Many of our seniors who live in rental buildings are trapped in their apartments now, because if they move out they're going to have to pay more money because the rent will have gone up.

Furthermore, there's not enough information with this bill to be able to support it.

**The Speaker:** Questions and comments?

2100

**Mr Len Wood:** I listened very attentively to the member for St Catharines. He's quite concerned that at the same time that we're privatizing Highway 407, this government is closing down so many hospitals. I understand they closed down a hospital in his riding. He mentioned the fact that at the same time that we're talking about privatization and closing down hospitals, the government is saying they need the money, but they're wasting all kinds of money on advertising. In my riding, in my home, I get all kinds of flyers that come in with the card: "Mail it back to Mike Harris. Tell us what you think about the government's welfare system. Tell us what you think about one thing or another." They're spending, wasting, millions of dollars of taxpayers' money. The member for St Catharines covered that several times during his 10-minute speech here tonight.

There is concern that at a time when you have cutbacks and dumping and downloading on to municipalities, hospitals closing, schools closing — there's word out that up to 600 schools are going to close — for the sake of trying to save a few dollars, a lot of this is being dumped on to the property taxpayers. In this particular case, who's going to benefit from this?

The member for St Catharines was concerned that if the government did a privatization study, why the results of that study are not being made available to the public. We've continuously asked for this to be available. At this point in time, even though we've heard a number of the Conservative members up on their feet talking about what a good idea it is to privatize Highway 407 and recoup some of the money, they still haven't released the results of that privatization study.

**The Acting Speaker (Mr Jack Carroll):** Questions and comments?

**Hon Mr Sampson:** Thank you very much, Speaker. Welcome to the chair. As a rookie here in the Legislature I always appreciate listening to my friend from St Catharines either debate a particular piece of legislation or respond to debates in this Legislature. I always appreciate it as he sort of bobs and weaves his way around the public policy issues of the day and periodically delves into the bill under debate and then pops back into issues that —

**Mr Bradley:** If only I'd had more time I would have spoken about the bill.

**Hon Mr Sampson:** I'm sure he would like to have more time and in previous years he perhaps has taken advantage of that time, and I note the regularity with which he takes his time here to debate issues. But since he did actually momentarily discuss the bill, I want to respond to a couple of the points he raised. As he finished his comments he was talking about the lack of information. I think actually that's leveraging off a comment of one of his colleagues, that what they want to see in front of us today is the price that we're selling the highway at,

the terms and conditions we intend to sell it at, how tolls will be regulated and a long litany of conditions.

I would say to him that would be nice to have, but of course you can't get that until you actually go out and start to solicit bids from people who are interested in buying the highway. To go out to somebody and say, "Listen, I want you to give me a bid for this particular asset and this is what I think it's worth," in advance of the bid is an absolutely ludicrous way in which to encourage the private sector to come forward with their responses. Why would they come forward and say, "No, I think we'd like to pay you more than what you think it's worth"?

I say to my colleagues across the floor — and they probably know this, since I would guess they've been involved in selling a few things in their private lives — you really don't know what something is worth until you ask somebody to give you a bid, and the member from Kingston knows that very well.

**Mr Patten:** It's a pleasure for me to comment and respond to the member for St Catharines, who has a stream of consciousness that is able to weave all kinds of relationships with this legislation on the privatization of the 407 and its relationship to the statement the Premier has made, and that of course did not happen, that hospitals would not be closed — related also to education and commitments that were made there. We see that money has been taken out of education.

What does all this mean? What the member was really saying was that it's important to have credibility. In this particular theme, we look at the fact that the government is not even prepared to share the figures on what's happening now with that particular highway. Is it making money or isn't it? If it is making money, then why can that not continue as it is? If profit is being made by the road at the moment, why can that not do the same thing?

What the member for St Catharines is worried about is that somebody could take this over. Presumably it's making money, because otherwise I think the government would disclose the figures, or perhaps they wouldn't because no one would want to buy it. So we don't know. There are unanswered questions.

We'd like you to be more transparent. We'd like you to share with us what the situation is now, on the basis on which it's being run now, and what happens once the payment, the money has been made and a reasonable profit has been made by a private coalition or company. Will there be a sharing of profits with the province, or will that resource revert to the province, or is this a deal in perpetuity?

**Mr Lessard:** As usual it was fascinating to hear the member for St Catharines. However, I was wondering whether we were going to hear from the member for Windsor-Sandwich tonight. I guess the member for St Catharines, being the House leader, probably made sure that he had an opportunity to speak tonight. We'll have to wait, I guess, to hear the member for Windsor-Sandwich. But he made a good point about who is going to benefit from the privatization of Highway 407 and who is going to end up paying the bills, because the fact is we don't



know what that highway is worth because the government won't make that study available to us here.

We did hear about what this government thinks of the value of nuclear power plants. They say they're not worth a plugged nickel. We know that if they go to sell those nuclear power plants, there are going to be a lot of people who think buying a new plant for a buck might be a good investment. We don't want to see the fire sale of our public assets, like Highway 407.

The member also made a good point about how this government has solved what they said was a debt crisis here in Ontario. How they've done it is they've closed hospitals, they've closed schools, they've imposed lots of user fees on people. He referred to an article by Dalton Camp. It said that they've sold off public assets, they've made cuts to health care, they've made cuts to education, they've put higher tuition fees on students, but what he didn't say was that that article Dalton Camp wrote was talking about the federal Liberal government and what they did to end the debt crisis in Canada. I wonder what his response is to that.

**The Acting Speaker:** Final comments, the member for St Catharines.

**Mr Bradley:** To the member for Windsor-Riverside, when he said "selling highways," I think he was making reference to the New Democrats selling off Highway 407 originally. I think that's what he meant in that case and he was aiming as much at the Mike Harris government here as anywhere else.

In British Columbia at this time the NDP government is cutting income taxes, and Saskatchewan just passed back-to-work legislation, but he didn't mention any of those; I promise you, he didn't mention any of those. I do want to thank the member for his comments, though, because he remembered this advertising blitz that is going on by this government and will continue next month.

I should say that I had a constituent who wrote me a letter and sent the bill, saying that the person had paid a different rate going one way from another way on Highway 407. They went the same distance back and forth and got a different rate. They're also complaining about how much it is. I'm told that on the New York state freeway — it's not a freeway, obviously, it's a throughway — their charge for going a lot of miles is far less than it is on Highway 407. Perhaps someone else can investigate that and see what it's all about.

As for the member for Sandwich, I suspect that we will hear from the member for Sandwich on this issue and many, many more issues for many years to come in this Legislature.

I want to take this opportunity to put in a plug for Buzz Hargrove's new book called *Labour of Love*. It was launched on the 21st of this month at Ba-Ba-Lu'U in Yorkville — a very successful launching. It was the same night as an NDP fund-raiser. I don't know what that means, but it was launched there. Lastly, to recall to you that Maurice Duplessis was eulogized by Conrad Black in the *Ottawa Citizen* this week.

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### **The Acting Speaker: Further debate?**

**Mr Len Wood:** First of all I wanted to point out that this is the government that brought in a motion yesterday that the House would sit Monday, Tuesday, Wednesday and Thursday nights. It's not enough that they've changed the rules in this House to muzzle both opposition parties, but they've decided they're going to continue to sit until 9:30 every night of the week that the Legislature is sitting and they call that a second day. We don't mind being here and I don't mind being here debating the issues, but we wonder if it means that they have an urgency to get bills like Bill 70, an act to privatize Highway 407, passed.

In the explanatory notes on the 407 it says, "The bill allows the minister responsible for privatization to transfer the crown's interest in Highway 407 to a private party." It doesn't say whether they're going to recoup the full cost of what it cost to build the highway or whether they're going to give it away for a dollar and allow the private sector to reap all of the benefits of tolls on the road, and in the bill they don't say when the tolls are going to be lifted.

I was proud of being part of the government that worked out an arrangement with the private sector and the public sector to build Highway 407. Had it not been done at that point in time and under those conditions, the highway probably would not have been built for another 10 or 15 years and it probably would have been close to the year 2020 before it would have been completed. As a result, there is a little bit of work that has to be done on both ends of Highway 407, but during the privatization of the 407 the new owner of that is going to be expected to build the two extensions on to it.

There's no guarantee as to what the fees are going to be. One of my fears is, having experienced travelling on the 407 as I come down from northern Ontario through Barrie and travel on to Mississauga and Hamilton to visit my two daughters, my two sons-in-law and two grandchildren — it's a good highway. It's built out of cement. It's a highway that is good for years and years. It's not pavement that's going to deteriorate and break up.

The risk has been taken care of now with the funding formula that was put in place, where our government at the time was able to go out and borrow the money at a cheaper rate and have the highway built faster than for what the private sector could go out and borrow the money on their own.

There were a lot of happy people out there during the recession, or just coming out of the recession, who were able to get jobs. It helped the economy of southern Ontario that had just come out of a recession. A lot of construction workers worked on this particular highway and managed to make a living for their families.

We have some concerns with the bill. First of all, I want to make it very clear that we are going to be voting against this bill. We don't feel that there's a reason to privatize Highway 407, because it's in good condition. As I said, we're proud of the fact that we did it.

Another solid reason for voting against this particular bill is the fact of why they're keeping everything secret.

They're saying that they did a privatization study, and yet speaker after speaker from the NDP has asked for the results of this privatization study and the minister responsible for privatization is keeping it secret. This is a government that said it was going to be open and it was going to open things up to the scrutiny of the public. Now they want to keep everything confidential and secret. These are the only ways that we can find out whether the public interest is being taken care of or whether it's just another way of making the private sector wealthy through allowing them to take over this road.

Sure, there are stipulations there that the highway might have to be widened to 10 lanes sometime in the future and the private owner at that time would have to look after the cost of doing that, but they're not going to operate at a loss. If it costs them high interest to borrow the money to be able to do the expansion and widening of the road, somebody is going to have to pay it.

The other concern I have is that when the other highways start getting congested and the cars are bumper to bumper, the private sector that owns this highway, if it's privatized, is going to just continually jack up the toll rates as more and more people start using the highway. There's no guarantee that is not going to happen and the public could be left on the hook for that.

The highway was being built and owned, as I said, at the beginning by the taxpayers. Sure, the money was borrowed to build that road, but as the debt for the road was being paid off, the tolls would be eliminated. I can recall years ago when I used to pay a toll on the Burlington Skyway, but when the skyway was paid for the toll was eliminated and now you can travel on that road without a toll. But that is not what this particular Conservative government is doing.

Another concern that has been raised to me is, is it just the minister of privatization saying, "I want to privatize something. We promised during the Common Sense Revolution that we would privatize a number of things in Ontario," and when the public pressure got too much for them they decided not to privatize the LCBO, they decided not to privatize TVOntario, yet they're going to privatize the 407? Is it just a matter of the minister of privatization picking something out of the hat and saying: "Let's decide that we'll sell one of the roads. We're going to get out of the business of looking after roads and we're either going to sell them to the private sector or we're going to turn them over to the municipalities."

In my riding Highway 11, which travels from the east coast to the west coast — it's actually an extension of Yonge Street that goes up through Cochrane and Smooth Rock Falls and Kapuskasing — the Minister of Transportation is saying a section about five or six kilometres that goes through Kapuskasing is a connecting link. There is no such thing as a connecting link in the town of Kapuskasing, yet the property owners in the town of Kapuskasing are having to pay for the maintenance of this road.

Today during question period we raised the fact that along with privatizing 407 and trying to recoup some

money, they're continuously reducing their responsibilities in northern Ontario. The Minister of Northern Development and Mines said, "I'm not responsible for the \$10 million that was cut off the funding to Ontario Northland." As a result we're losing part of the train service; that's been reduced. We're losing the bus service from Hearst to Timmins and we lost the norOntair airline service. Northern Ontario, especially since Mike Harris became Premier — sure, he goes home to North Bay once in a while to play golf, but he turns his back on northern Ontario. He doesn't even look towards northern Ontario and continuously cuts and reduces the services that northern Ontario used to have for years and years.

As a result, I'm sure they're going to have a very difficult time in the next election electing Conservative members from northern Ontario. I hear rumours in North Bay that even Mike Harris is going to have a problem getting elected in his own seat as a result of all of the dumping. People have to remember that 85% of the land mass in this province belongs to northern Ontario and it has been neglected by this Reform-Conservative government. It's very unfortunate these things are happening, but Bill 70, in the state it's in, is not acceptable to our party.

2120

**The Acting Speaker:** Questions and comments?

**Mr Galt:** The comments the member opposite, the member for Cochrane North, made relating to the results of the study are interesting. There is a bid coming up. Do you put everything out for the bidders to see all? There are some things that you have to do, to look at, when you're out selling, when you're putting yourself on the market, that are reasonable and understandable. I don't think you get the message that that kind of thing has to be held close to your chest when you're selling something as big as 407. This isn't just a little sale of a house or a small business. This is indeed a very big sale.

I know that the NDP has a position. It is good that they do have a position. This is something that the Liberals tend never to have. You never know what their position is going to be. I thought it was interesting, a week ago Monday in Kingston, where they had the Premier's conference on jobs and investment, we had two young people explaining to the member for Kingston and The Islands how significant tax cuts really would help this province. They talked about 50% tax cuts. Then they went on to prove how they would work and suggested that federal Liberals should do that as well. The member for Kingston and The Islands had the opportunity to hear this.

I also thought it was really interesting when one of the staffers from Kingston came in and told us about how the infrastructure, the sewer pipes and the water pipes, has gone downhill. They went way back to the time of Confederation. The previous mayor sitting in this House, the member for Kingston and The Islands, didn't do anything about the infrastructure of the city of Kingston when he had an opportunity when he was mayor of the city.

**Mr Jean-Marc Lalonde (Prescott and Russell):** I would like to comment on the speech given by the member for Cochrane North. I think Ontarians have to be worried



today when we see that this government is trying to sell its assets. I know they're looking for money because of the tax break that has been awarded to their friends at the present time, the 30%. They just cannot afford any more that \$5 billion that it is going to cost the Ontario taxpayers every year, so we have to start selling our assets.

But what worries me at the present time, in this bill there's no guarantee how much this government is going to get for it. This road has cost the government or the Ontario taxpayers over \$1 billion. But also, I found out from the public accounts committee that the maintenance contract has been awarded to the people who built this highway at \$350,000 a year for a minimum of 10 years. So I don't know. If we turn around and sell the assets of 407, who's going to pay the \$350,000 contract that has been awarded for maintenance?

There are other things too. When I look at it, Highway 17 in Prescott and Russell was transferred to the municipality. We couldn't buy the highway, we didn't want to buy it. When this government saw that the municipality was not going to take any part of the highway, they decided to sell it to the private sector instead. But in my own riding at the present time, we just cannot afford to maintain a bridge. We had to close the Pendleton bridge because the government says it has no more money for the municipality. What is going to happen after 30 years of this government? I'm sure you won't be there in 1999 because the Liberals are going to take over with Dalton McGuinty.

**Mr Lessard:** I want to commend the member for Cochrane North for his excellent representation of his constituents in Cochrane North.

There's one thing that can be said about the member. He always sticks up for the interests of constituents, and it's lucky that the member for Cochrane North is doing that because we know the Mike Harris government is ignoring constituents in the north. We've heard that today with their transportation policy. People have to wait days for the bus to come up there now because of cuts to northern transportation grants. We've seen the impacts of the downloading on to municipalities on roads in the north. We know that this market-based system of providing transportation is not going to work when it comes to northern and remote municipalities, because we know if those roads were going to be turned into toll roads, people just wouldn't be able to pay for them. That's why they expect the provincial government to be able to provide assistance when it comes to transportation in the north. I commend the member for Cochrane North for sticking up for those constituents.

We're talking about the sale of an important public resource here. The member for Northumberland says that when you're selling something, you don't want to tip your hand to those people who are going to buy it. But we're talking about something that is a public resource. If you're going to privatize it and sell it to the private sector because you think it's such a good idea, it's incumbent upon the government to demonstrate to the public why it's a good idea. You need to make this study public or else the

public isn't going to agree with your scheme, they're going to agree with the NDP.

**Mr Baird:** That's quite a leap by the last speaker, they're going to agree with the NDP.

I listened with great interest to the speech by my colleague the member for Cochrane North. I like the member for Cochrane North. He's certainly a passionate defender of his constituents. I do disagree with him. When he looks at the record of this government in terms of northern Ontario, I think it would look quite favourable. We're not the government who ripped off the northern Ontario heritage fund; we're the government who put the money back. I think the people of northern Ontario will look quite favourably on that record. In the only single test the people of northern Ontario had to evaluate the Mike Harris government, they went from 19% to 31% of the vote in Nickel Belt. That was an extremely important indication of what the people in northern Ontario felt.

**Mrs Pupatello:** Yes, that was despite giving guns to 12-year-olds.

**Mr Baird:** I hear the member for Windsor-Sandwich going on. I was reading an article the other day where the member for Windsor-Sandwich was quoted, and I could read it. It's from the Hamilton Spectator, the 9th of the ninth month, 1995, right after the Liberals went to the election. She said, "We are all singing from the same song sheet," said rookie member Sandra Pupatello of Windsor. 'How can we go in guns blazing when we would have been doing the same things?'"

**Mrs Pupatello:** On a point of order, Mr Speaker: I'd like you to rule on whether or not it's appropriate that members opposite take quotes completely out of context so that they are not accurate.

**The Acting Speaker:** That's not a point of order.

**Mr Wildman:** On a point of order, Mr Speaker: On that point of order, it is quite in order for a member to take quotes out of context.

**The Acting Speaker:** That's also not a point of order. Final comments, member for Cochrane North.

**Mr Len Wood:** It's kind of interesting that we're getting very close to 9:30 of the clock, but I want to thank the member for Northumberland, the member for Prescott and Russell, the member for Windsor-Riverside and the member for Nepean.

I don't know why the member for Nepean would want to go out and spread rumours around that the money for the heritage board was not there; it was there. The only trouble we have right now is that this government has not spent a penny of the heritage fund over the last three years. The reason the heritage board was set up was that there would be \$30 million a year going into the fund and, with the interest, it would continue to be spent for economic development in northern Ontario.

As I said in my comments earlier, now all of the money that is being produced in northern Ontario from the resources, the transport industry and one thing or another that comes out of northern Ontario is being squandered away — a lot of it — in advertising for the government, which is patting itself on the back and saying: "I'm sure

you must have got that 30% tax break. I'm sure you must think that welfare is better. I'm sure you must think it's better if we close 600 hospitals" —

**Mr Baird:** Close 600 hospitals?

**Mr Len Wood:** — "Close 600 schools and 42 hospitals."

It's sad that we're at the point now where you would see that many hospitals and schools closed in order to give a tax break to the wealthiest people in this province, the people in this province who are well enough off that they

don't need the money, and yet the children and the poor people in this province are going to be paying the price.

When it comes to the 407, we haven't heard yet if they're going to have public hearings or how many weeks of public hearings they're going to have on Bill 70. I'm surprised that the minister of privatization hasn't —

**The Acting Speaker:** Thank you. It being almost 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2131.*

ERRATUM

No.	Page	Column	Line	Should read:
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Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 28 October 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 28 octobre 1998

*The House met at 1333.*

*Prayers.*

## MEMBERS' STATEMENTS

### EDUCATION FUNDING

**Mr Bruce Crozier (Essex South):** I wonder how many teachers' aides could have been hired in this province if this government had not spent \$11.3 million on advertising what a great job it thinks it's doing with our education system in Ontario. The reason I ask this question is that a parent in Harrow, a small town in my riding, wrote the following:

"We as parents need to take more interest and pay closer attention to the staffing issues, the supervision of the playground and what our children are learning at school. We as parents need to show our support to our teachers that are dealing with all these educational changes and understaffing and overcrowding of our classrooms."

She wrote this after her son showed up home on his first day in junior kindergarten. The serious problem was that the young lad walked out the front door of the school, walked home and wasn't even missed at school.

All that the parent knows for sure is that it happened because of an understaffing issue. "Somebody in the system did not do their job," the parent writes, "but it sure isn't the teachers."

The Minister of Education and this government would blame everyone but themselves. The real culprit is a funding formula that doesn't provide adequate resources to provide the staff our schools require.

Maureen Doll, the caring mother of this 4-year-old junior kindergarten student, concludes: "I do respect these teachers and I stand behind them 100%. I know that the teachers involved in this situation are there because they genuinely care for our children and not just for the paycheck."

Don't we all wish the Minister of Education felt the same concern for our children. The Premier should stop sacrificing the future of our province, stop wasting taxpayers' money on wasteful and useless advertisements and fund what is really important —

**The Speaker (Hon Chris Stockwell):** Thank you. Statements.

## ONTARIO NORTHLAND TRANSPORTATION COMMISSION

**Mr Len Wood (Cochrane North):** Yesterday my colleague Gilles Bisson and I raised with the Minister of Northern Development and Mines the fact that the Ontario Northland Transportation Commission will be cutting bus services between Hearst, Cochrane and Timmins.

It doesn't take a rocket scientist nor one of those highly paid spin doctors in the Premier's office to know that these cuts will hurt real people: seniors travelling back and forth from Timmins to Hearst for doctors' appointments; college and university students going home for the weekend; people with disabilities; people who cannot afford to own their own car.

The Minister of Northern Development does not understand this. He's got a chauffeur-driven limo to take him anywhere, but you and I know that there are a lot of people in Hearst, Timmins, Cochrane and Kapuskasing who have no access to a vehicle, let alone a chauffeur.

The minister also throws up his hands in resignation and says that the provincial government has nothing to do with it, that the ONTC has an independent board and a president. However, this government never takes responsibility for anything. They always want to blame somebody else. When you strip away \$10 million from the ONTC, then walk away and say you have nothing to do with service cuts, it is a complete insult to the intelligence of the people of Cochrane North.

We need a Minister of Northern Development and Mines to speak out on behalf of northerners, to make sure that our interests and concerns are heard at the cabinet table. When the minister continually says that it is not his responsibility, I say that it is time we get rid of this minister and elect an NDP government.

## CZECHOSLOVAKIA

**Mr Steve Gilchrist (Scarborough East):** On October 28, 1918, exactly 80 years ago today, a new nation was born on the European continent. As the Austro-Hungarian Empire disintegrated in the last days of World War I, the Czechoslovak Republic declared its independence.

For the people of the Czech lands of Bohemia, Moravia and Silesia, as well as Slovakia and Ruthenia, this event was a long time in coming. Under the leadership of a university professor, philosopher and politician named Tomas Masaryk, who was named the first president, the



Czech and Slovak people succeeded in their struggle for independence from the empire.

The Czechoslovak Republic had a reputation for tolerance and accommodation. Minority groups, including Germans, Poles and Hungarians, were treated well. Between the First and Second World Wars, Czechoslovakia was one of the few genuine parliamentary democracies in Europe.

In World War II, parts of the republic were seized by neighbouring countries and the remainder was occupied by Germany some six months before the invasion of Poland.

Freed from German control, the Czechoslovak Republic regained nominal independence after the war, but only as part of the Soviet bloc. For four more decades, the brave people of this country were subjected to the oppressive control of a foreign power. Who can forget the brutal invasion by Soviet tanks in 1968 and the crushing of attempts to bring democracy back to the Czechs and Slovaks?

Nine years ago this winter, freedom from Communism was obtained, finally and bloodlessly. Playwright and dissident Vaclav Havel became president of the republic.

To my Czech friends, I congratulate you on the 80th anniversary of an independence that was won, then lost, and is now renewed for all time.

At zije Ceska Republika.

### HEALTH CARE FUNDING

**Mr Pat Hoy (Essex-Kent):** I have been waiting since October 13 for a decision from the Minister of Health for Donald Letourneau. He needs neupogen to help him battle aggressive lung cancer.

Yesterday, in desperation, Linda Letourneau approached the Premier in London, where Donald is receiving chemotherapy today. Mike Harris would not look her in the eye or allow her to speak. She was circled and removed by staff so that she would not interrupt the government's "good news" tour. That tour is part of a \$7.6-million health care advertising campaign to try and convince the public that our health care system is not lying in tatters. How can you be so callous as to ignore Donald Letourneau?

Last night on the CTV news neupogen was hailed as a miracle drug. CTV's Dale Goldhawk fought back against the government and won. After many refusals, the Ontario drug benefit plan is now paying for neupogen for his case.

How can you refuse Donald Letourneau? Mike Harris has spent \$42 million on propaganda in two years. This is an insult to all who are suffering needlessly.

Linda faxed the Premier today, and I quote: "My beloved, frail husband lies in hospital battling a lung infection. I implore you, Mr Harris, as a fellow Canadian and human being, to reconsider neupogen."

Show some courage, Premier. Meet with Linda and tell her why you refuse to pay.

1340

### ENVIRONMENTAL PROTECTION

**Ms Shelley Martel (Sudbury East):** Yesterday the Harris government was told once again that it is breaking its own forest and environmental protection laws.

The Ontario Court of Appeal upheld a decision by the Divisional Court that logging plans approved by the Ministry of Natural Resources for the Temagami, Elk Lake and Upper Spanish forests violated provincial laws. The laws in question include the Crown Forest Sustainability Act, the Environmental Assessment Act and conditions of the class environmental assessment on timber management. The court has again ordered the MNR to fix the plans in one year's time. Logging will continue during that time.

But the court has also ordered the Harris government to pay all of the costs incurred by the environmental groups that brought the case forward. This clearly shows the court was very unhappy with this government's misuse of taxpayers' dollars and court time to try and justify breaking the law.

The money squandered by the Minister of Natural Resources should have been used to do the forest planning work properly in the first place. But this government is more interested in trying to dodge the law than it is in properly managing our forests.

The bigger issue now is how the MNR will amend these three logging plans and the dozens and dozens of others, prepared in 1996 and after, that are no doubt in violation of the laws too. Given that this government has laid off half its MNR staff, just who will do the work needed to bring logging plans into compliance?

It's clear this government has no regard for the health of our forests or the communities that depend on them. This government —

**The Speaker (Hon Chris Stockwell):** Thank you.

### GREEK CELEBRATIONS

**Mr Jim Brown (Scarborough West):** Today Ontarians of Greek ancestry, and Greeks worldwide, observe Ochi Day. "Ochi" is Greek for "no." It was on October 28, 1940, that Greece said ochi to Mussolini's Fascist forces after his invasion from Albania. Greece said ochi because it would not give in to yet another invader and what that invader stood for.

The price that Greece paid for its ochi was as high as it was heroic. Today, all those Greek soldiers who died defending the land of Plato, Socrates, Aristotle and Alexander the Great are remembered and mourned by Greeks and by Canadians.

Greek culture and civilization form the foundation of our western culture, language and institutions. Our parliamentary tradition, which we observe even now in this House, and the very ideals of democracy which we are all entrusted to cherish and protect, are all descended from the genius of ancient Greece.

This is why Ontario and Canada share in the victory of the ochi of 1940. This is why we also participate in the mourning of those Greek soldiers, those modern Spartans who died in defence of the richness which is the glorious spirit of eternal Ellas, or Greece.

Long live Ellas.

### HEALTH CARE FUNDING

**Mr Michael Gravelle (Port Arthur):** Today the people of Thunder Bay are graced with the presence of Mike Harris and Elizabeth Witmer as they engage in a campaign-style whistle-stop tour of the province.

While one is always pleased to get the attention of our government leaders, I can't help but be cynical about this gesture by the Premier, particularly as he launches another outrageous multi-million dollar advertising campaign — money that would be much better spent reversing the health care cuts in my community and northwestern Ontario.

If the Premier has any intentions of making this trip to the north anything more than a public relations exercise, I now call on him to include the following list in his announcements today: that he will cancel the upcoming cut of 15 beds to our acute care hospital; that he will provide for the long-term and chronic care beds that we need to at least put a dent in our unbelievably long waiting lists; that he will provide the often-promised \$4 million to recruit specialists to our region; that he will provide the services and the beds we need in our psychiatric hospital so that people needing care are not thrown in jail instead; and that he rehires nurses laid off as a result of the cuts to our hospitals and allows our nurse practitioners access to long-promised funding.

This is a list that could go on and on. People in my part of the province are fed up with a government that makes announcements but doesn't release the funds, a government that has been responsible for an unconscionable decline in our health care standards, and a government that is more willing to spend millions of dollars on political propaganda than in caring for the people of this province.

### SCHOOL CLOSURES

**Mr Tony Silipo (Dovercourt):** This morning at about 11 o'clock, I attended with my colleague from Fort York, Rosario Marchese, at the office of the Minister of Education with a group of parents from St Peter catholic school who wanted to deliver 500-plus letters signed by parents in that community objecting to the potential closure of that school.

We were dismayed to find out that under the new security rules that are being imposed in that minister's office, and I assume in other ministers' offices, had it not been for the intervention of ourselves as MPPs, only one parent would have been allowed to go up to the office to simply deliver those letters.

What I want to raise to the members' attention today is that this government is not only shutting down many of our schools but it is now continuing to put in place measures that will shut down any access to ministers that parents and the media and anyone else wants, to simply, as in this case, lodge with them the very strong disappointment, the very strong objections they have to the potential closure of that school.

I just could not believe that things have gotten so far in the Mike Harris world that ministers are afraid to actually allow parents up to the offices to be able to deliver mail. I just hope that is something the government takes into account and changes its position on.

### HOLOCAUST MEMORIAL DAY

**Mr Ted Chudleigh (Halton North):** I rise today to correct some misinformation regarding my private member's Bill 66, which would create a Holocaust Memorial Day in Ontario. Given the sensitive nature of this issue and the support received from all members of this House, I am deeply disappointed in the political games being played by the Liberal member for Downsview.

The bill now rests with the standing committee on social development. The member for Downsview, who is Chair of the standing committee on social development, issued a press release yesterday accusing the government of stalling Bill 66. This could not be further from the truth.

The government is prepared to discuss Bill 66 and all other bills on that order paper. In fact, as Chair of the committee on social development, the member for Downsview controls the committee agenda. Bill 66, An Act to proclaim Holocaust Memorial Day...in Ontario, has not yet reached her committee's agenda. In fact, the member for Downsview, who is accusing the government members of dodging committee meetings, scheduled a meeting of the committee yesterday afternoon and did not have the decency to show up. Bill 66 was not on that agenda.

How can the government be stalling when the Chair of the committee does not schedule a bill for discussion or bother to show up for the meeting? This action by the member for Downsview is political gamesmanship at its worst.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON ADMINISTRATION OF JUSTICE

**Mr Jerry J. Ouellette (Oshawa):** I beg leave to present a report from the standing committee on administration of justice and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill, as amended:

Bill 25, An Act to reduce red tape by amending or repealing certain Acts and by enacting two new Acts /



Projet de loi 25, Loi visant à réduire les formalités administratives en modifiant ou abrogeant certaines lois et en édictant deux nouvelles lois.

**The Speaker (Hon Chris Stockwell):** Shall the report be received and adopted? Agreed.

Pursuant to the order of the House dated Tuesday June 23, 1998, the bill is ordered for third reading.

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Chris Stockwell):** I beg to inform the House that today the Clerk received the 10th report of the standing committee on government agencies. Pursuant to standing order 105(g)(9), the report is deemed to be adopted by the House.

1350

#### INTRODUCTION OF BILLS

##### CHILD AND FAMILY SERVICES AMENDMENT ACT (CHILD WELFARE REFORM), 1998 LOI DE 1998 MODIFIANT LA LOI SUR LES SERVICES À L'ENFANCE ET À LA FAMILLE (RÉFORME DU BIEN-ÊTRE DE L'ENFANCE)

Mrs Ecker moved first reading of the following bill:

Bill 73, An Act to amend the Child and Family Services Act in order to better promote the best interests, protection and well being of children / Projet de loi 73, Loi modifiant la Loi sur les services à l'enfance et à la famille afin de mieux promouvoir l'intérêt véritable de l'enfant, sa protection et son bien-être.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

##### FUEL AND GASOLINE TAX AMENDMENT ACT, 1998 LOI DE 1998 MODIFIANT LA LOI DE LA TAXE SUR LES CARBURANTS ET LA LOI DE LA TAXE SUR L'ESSENCE

Mr Hodgson moved first reading of the following bill:

Bill 74, An Act to amend the Fuel Tax Act and the Gasoline Tax Act / Projet de loi 74, Loi modifiant la Loi de la taxe sur les carburants et la Loi de la taxe sur l'essence.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development**

**and Mines):** The Fuel and Gasoline Tax Amendment Act delivers on commitments made in the 1997 and 1998 budgets to make fuel and gasoline tax rules fairer and more efficient. The bill will cut red tape by removing the barriers to marketing special products such as diesel and heating fuel refined from waste oil. It will also make the tax system fairer by improving the objections and appeals process.

Mr Speaker, the gasoline and fuel industry, as you and the rest of the members in the province know, keeps the Ontario economy moving. The Fuel and Gasoline Tax Amendment Act would make the tax system fairer for this important industry.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

##### CHILD AND FAMILY SERVICES

**Hon Janet Ecker (Minister of Community and Social Services):** I rise today to introduce the Child and Family Services Amendment Act (Child Welfare Reform), 1998.

If passed, these changes will provide new rules to better protect children at risk of abuse and neglect. This means stronger tools for the courts, for professionals and for front-line workers to do their jobs.

These are the first major changes to child protection legislation in 10 years. The Child and Family Services Amendment Act is part of the government's comprehensive reform initiatives to improve Ontario's child protection system.

We know from the inquests into the deaths of children and from the report of the Ontario Child Mortality Task Force that children have been falling through the cracks. The purpose of today's amendments is to make it clear that our child protection legislation puts the best interests of the child first.

We have listened carefully to the advice we have received. Today's amendments are based on the following: 400 recommendations from six inquests into the deaths of children involved with children's aid societies in this province; 16 proposals for improvements to child protection from the Ontario Child Mortality Task Force report; recommendations from an expert panel of individuals involved in child protection and led by Judge Mary Jane Hatton; and extensive consultations with the child protection sector.

The proposed amendments focus on those areas most critical to protecting children better. I'd like to explain how.

First, the proposed amendments make it clear that the paramount purpose of the act is to promote the best interests, protection and well-being of children.

Second, the proposed amendments expand the grounds for finding a child in need of protection. They do this by reducing the threshold for the risk of harm so that children

are protected earlier, by explicitly including neglect in the grounds for protection, and by lowering the threshold for emotional harm and the risk of emotional harm.

Third, the bill would encourage more and earlier reporting of suspected abuse and neglect of children. Current reporting requirements for the public and professionals are confusing. The proposed amendments would clarify when any individual should report that a child is or may be in need of protection. There would continue to be a penalty for professionals who fail to report, but the penalty would be expanded to include failure to report on a broader range of circumstances.

The fourth priority which is addressed in the bill is the need to improve "permanency planning" for children who are in the care of a children's aid society. The proposed amendments would encourage earlier and more decisive planning for children by reducing the length of time that a young child could be in a society's temporary care.

The fifth objective of the amendment is to ensure that children's aid societies can better access the information they need to fulfill their mandate of protection. Court processes would be streamlined and the grounds for obtaining information would be expanded.

Sixth, the amendments would permit evidence of a parent's or caregiver's past conduct towards any child, not just a child in the person's care, and that it be used in all child protection court proceedings.

Finally, this bill would require a review of the Child and Family Services Act at least every five years.

I would like to thank all the individuals involved in child protection who provided their advice and assistance in preparing these amendments. The members of the expert panel were particularly generous in the time they devoted to assisting my ministry staff, who also deserve recognition for their hard work. Special thanks is also due to the young people who were themselves taken into care and who offered their unique insights into the strengths and the weaknesses of the system.

As important as these proposed amendments are to strengthening child protection laws in Ontario, they are only part of the solution, the solution that is needed to fix the problems facing the system. Improving child protection outcomes also requires common tools for risk assessment, effective information systems, up-to-date staff training and resources for front-line workers.

Our step-by-step approach to child protection reform is addressing all of these issues. The common risk assessment system that we mandated for all societies last year is now in effect across the province, helping protection workers make better judgments about when a child is at risk. We are developing standards for how agencies handle cases of abuse and neglect, and the ministry will monitor them against those standards. We have completed design work on a new information technology system that will link all children's aid societies together so that front-line workers can track high-risk families wherever they move and alert the system to past CAS involvement. The new database system will be in operation by spring.

Last year, we invested an additional \$15 million in children's aid societies and we hired 220 additional front-line workers to support work on the new database and to improve staff training. Additional resources will be spent this year, next year and the year after that to hire more workers, to revitalize the foster care system and to improve staff training. In total, an additional \$170 million will be invested to improve the system. We will also be introducing a new approach to funding children's aid societies that is equitable and better reflects workload and service needs.

These ongoing investments and improvements, combined with the amendments I have introduced today, would significantly strengthen our ability to protect vulnerable children in Ontario. They would provide children's aid societies and their workers with the tools and resources they need to ensure that the best interests, protection and well-being of children are always paramount, that protecting vulnerable children is their prime concern, first, last and always.

#### ACQUIRED BRAIN INJURIES

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** Today I am reporting back to this Legislature on a very important and moving meeting I attended yesterday with the Premier, the Minister of Health and the Minister of Intergovernmental Affairs. We met with Shawn Gallagher, Irene Meggitt and Guy Dane, people whose lives have been changed for the better because of this government's health care policies.

#### *Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. Members, you'll get a chance to respond and I think that's when you should probably take your opportunity, please. Minister.

**Hon Mr Jackson:** We met at the Dale Brain Injury Services in London. The work of Dale Brain Injury Services and the way those services are expanding, is a clear and compelling example of the new philosophy that is guiding the evolution of Ontario's health services and, I might add, of our community-based continuing care services in particular. Dale is one of several agencies that responded to a very important challenge that was issued first in December 1995 by my colleague the Honourable Jim Wilson as Minister of Health.

#### 1400

Fulfilling a pre-election commitment from our Premier, he made a significant announcement that by the end of March 1999 we would repatriate all Ontarians who were receiving acquired brain injury services in the United States of America. As you well know, in the past, these Ontarians were classified as serious brain injury cases and were then sent away to facilities outside of our province and, in particular, outside of our country. Under the Mike Harris government, people with brain injuries are no longer being sent to the US.

Responding to our challenge, groups like Dale have sprung up across the province to provide these specialized



services, groups like the Association for Persons with Physical Disabilities of Windsor and Essex County and Brain Injury Community Re-Entry in St Catharines, both of which I have visited, and Brain Injury Services of Hamilton, the Anagram Acquired Brain Injury Society in Niagara-on-the-Lake and the Mississauga, Toronto, and Thunder Bay programs.

Since announcing our plan, we've brought 55 of these Ontario women and men home to their families and to their communities and to participate in world-class ABI programs right here in our province. Today, our plan is on track and we are bringing the remaining 21 Ontarians home so that they will be here on time by March 1999.

Yesterday, we issued a request for proposals for more organizations to expand to provide places for these people with the opportunity for daily contact with their families, their friends and their communities. By March of next year, every single one of these special Ontarians will be back home.

At this time, I would like to thank my colleague the Minister of Intergovernmental Affairs for her work on behalf of Dale and its participants, and the member for Wentworth North, who has been an outstanding defender of Ontarians who are receiving these programs outside of Canada.

Acquired brain injury participants reflect our commitment to expanding access to the whole range of continuing care services that are provided in the communities, like supportive housing, Meals on Wheels, Alzheimer's programs and, of course, the visiting nurses, physiotherapy and homemaking services provided by community care access centres across Ontario. Funding for these programs has increased by 40% in the last three years to levels in excess of \$1.2 billion, and it is health care restructuring that has made this possible.

Expanded access to continuing care is a result of our efforts to reform health services. We knew when we began the process of health care reform that we were walking into a political lion's den. But we also knew that if we were successful, in addition to providing world-class hospital and clinical care, we would build a health services system that would provide appropriate care for every individual and deliver that care as close as possible to the individual's home.

We are providing care that is appropriate to the individual, care as close as possible to the individual's own home, friends, family and their community, and that principle applies whether the appropriate service is acute care provided in a hospital, visiting nursing services provided in a person's own home or the kind of ongoing continuing care that Dale provides.

The people I met yesterday were perfect examples, being repatriated from as far away as Pennsylvania, Indiana and Texas, not to mention one individual who was participating in our program from northern Ontario, but moved to London to be closer to his parents.

You know, as we celebrate the joy of these reunions, it is possible to lose sight of the obvious health benefits. Across Ontario, ABI participants are making tremendous

progress that did not seem possible under the programs they were receiving in the United States. In part, it is a result of being closer to home. As well, the staff at our ABI centres must take credit for developing programs that are making a real difference in the lives of these Ontarians.

It is one more reminder of the strength of our health care system. As Cathy McNally, whose daughter was in San Marcos, Texas, summed it up much better than I could:

"When Irene joined Dale services she required lots of supports in all areas. After just one full year of full-time support, Irene has moved on to independent living in her own apartment, still with help and guidance on house-keeping. Irene knows she can call staff in any emergency 24 hours a day.

"I can't tell you what a relief it is to her dad and I to know that she is so happy in her new life and we know it only takes us two hours to see her instead of three days driving."

One participant's parents said they were proud of their health care system once again.

We're working very hard to build a health system in which people have names and families and friends, and a community that cares about them and respects them is restored in Ontario.

#### CHILD AND FAMILY SERVICES

**Mrs Sandra Pupatello (Windsor-Sandwich):** We're pleased to see amendments come forward to the child protection act in Ontario. We have been asking for this since this government took office, and three and a half years later we see amendments that we don't know went far enough. We know that a window of opportunity for young people 16, 17 and 18 years old has been lost, because we don't believe that age group has been included in these changes, against the wishes of every group that has ever given consultation to this government.

I want this minister to walk the talk, and that means go to Management Board and, with \$90 million that was announced in last spring's budget, ask for one cent of that \$90 million to flow to 50 children's aid societies, because not one cent has been spent, and that was in last spring's budget. Some 50 children's aid societies have \$100 million in contingency funds they require and that still has not come through the Management Board. I want the minister to walk the talk.

When you bring new risk-assessment tools to Ontario, it means more children in care. That means more services required. That means that children's mental health agencies need the support of the government to help the child protection workers intervene. That means the child protection workers need help to do their job.

When we see that last spring's budget hasn't resulted in one new cent of the \$90 million that was announced, what does that say if we're bringing in new laws, because they don't have the resources to implement new laws?

We insist that this minister walk the talk. Don't come in here with kind words about amendments required when

those same children's aids can't do the job today because today they don't have resources because this minister cannot get the announcement from a budget through Management Board and down to the children's aids where they need it.

There's \$100 million in contingency funding that you have not paid from last year, never mind the new \$90 million that was announced in last spring's budget; of the \$100 million they're waiting for and \$90 million announced in the budget, not one red cent. But I notice that this minister in particular is very adept at spending taxpayers' money on government propaganda ads.

### ACQUIRED BRAIN INJURIES

**Mr Gerard Kennedy (York South):** We hear the minister of part of health care talk to us about a philosophy of this government. We've seen this philosophy in action today, and it's publicity over health care every single time.

Yesterday we had this minister carrying the briefcase for the Premier, who's cutting cake in London while the Hotel Dieu Hospital in St Catharines is being shut down. We have the audacity of a minister responsible for home care turning away patients all across the province and trotting out an announcement from 1995. Minister, you should be ashamed that announcement hasn't been completed by now.

In fact, when this minister talks to us about recognizing the names of the people who have been harmed by this government, we want to bring forward some names. We want to talk about Mr Ed Whitehill, who died in an emergency room hallway in Peterborough, who was not able to get the care he needed because this government has yanked \$870 million out of hospitals.

We want to talk about Mrs Kaneshakumar, who died en route from Scarborough to Hamilton waiting to get a critical care bed, while nowhere in Toronto, the largest centre in the province, was such a bed available.

**1410**

We want to talk to you about Shelley Lynn Penny, who is a brain injury victim in Thunder Bay and whose father, Miles Penny, has driven himself into the ground with anxiety trying to get basic services for his daughter, along with hundreds of patients around this province who are facing an infrastructure of health care that has been weakened and diluted.

Minister, to see you participate in London and to see the member from London defend the fact that you have taken out of London — \$47 million more was cut out of London last year than has been brought back in. You rely on public relations and try and hide behind a three-year-old announcement that should have been enacted by now. You hide behind, quite frankly, the families of people who are desperate and anxious to have their very sick family members repatriated to this province. You hide behind public relations when what people really want and expect and have a right to demand is proper health care in this province and ministers who talk straight to them about it.

### CHILD AND FAMILY SERVICES

**Ms Frances Lankin (Beaches-Woodbine):** Certainly this response to the recommendations of the child mortality task force and the expert panel review has been expected, and I'm pleased to see the government bring forward legislation. I'd like to add my words of thanks to the people involved in the task force and the panel review for the hard work they have done.

I look forward to examining these amendments, Minister, to see if they address the true problems. I'm particularly interested in the area of the proposed amendments expanding the grounds for finding a child in need of protection. You will know that there have been many debates over the years about the balance to be struck between institutionalization and the supports that are needed to families to provide good parenting.

Minister, all the legislative changes in the world are not going to mean a thing when we look at your cuts to front-line services. You stood there and said there are 200 more staff. If you look at your cuts over the last three years, there are 455 net fewer permanent positions in children's aid front-line workers protecting our kids. You announced again today, with great foofaraw, your risk assessment model. In Ottawa-Carleton, where they are testing that model, the pilot project shows that while it may be a good model, it's taking six hours more per case to do it, and they will need 95% more staff to be able to implement that.

Minister, while caseloads are growing because of your cuts to social assistance, to health care, to education supports, more kids are being put at risk, more kids are in need of care and there are fewer staff to do it. So legislative change may be good, and we look forward to working with it, but put some money where your mouth is and really do something to protect the kids of this province.

### ACQUIRED BRAIN INJURIES

**Mr Howard Hampton (Rainy River):** I want to respond to the minister responsible for long-term care and I want to put into his announcement what he left out.

I also have visited the Dale Brain Injury Centre in London. When I was there, the staff and the executive director met me and they said, "We want to thank the NDP government for helping us to create and fund this centre." What you left out of your announcement is that the first patient who was brought home to Ontario suffering from acquired brain injury was in 1992, when Frances Lankin was the Minister of Health. What you left out of your announcement was that the whole direction of bringing home patients who suffer from acquired brain injuries was begun under Frances Lankin and Ruth Grier, NDP ministers of health. You are trying to take credit for a program that was created and funded by the NDP government. Why didn't you put that in your announcement?

Speaker, I'll tell you why he didn't put it in his announcement: because this government doesn't have anything else it can take credit for in the health care field.



As we have seen over the last month or so, they announced \$225 million to deal with the problem in emergency services. Nothing happened until we here in this Legislature exposed you and embarrassed you for doing nothing.

Then you announced \$36 million to recruit and retain physicians in rural and northern Ontario in communities that are underserved: \$36 million, and what has happened? Nothing. It was a phony, empty announcement by your government.

Then there was \$5 million to recruit nurse practitioners into communities that are underserved. What has happened to the \$5 million? Nothing. Another phony, empty announcement.

Then there was \$60 million for mental health services. Dr Tyrone Turner goes on CBC Radio two days ago to point out that a year after you made the announcement, only \$20 million of that has made its way into mental health services; \$40 million your government refuses to find.

The reason this government is here trying to take credit for a program that was created and funded by the NDP government is because it's desperately seeking some way to avoid being identified as a government that issues phony, empty health care announcements.

At the end of the day, what it comes down to is this: This government has absolutely no problem finding \$6 billion to finance its income tax scheme, an income tax scheme that at the end of the day is only going to benefit the wealthiest people in this province. But when it comes to mental health services, when it comes to emergency room services, when it comes to underserved areas, this government —

**The Speaker (Hon Chris Stockwell):** Thank you.

## ORAL QUESTIONS

### GOVERNMENT ADVERTISING

**Mr Dalton McGuinty (Leader of the Opposition):** My question, in the absence of the Premier and the Deputy Premier, is to the Chair of Management Board.

Last night, Ontarians were subjected to the latest in an extensive series of taxpayer-funded, self-serving Conservative Party propaganda pieces. Let me repeat that: taxpayer-funded, self-serving Conservative Party propaganda.

You've decided to waste four million taxpayer dollars on television ads that are designed specifically to cover up the fact that Mike Harris has broken his promise not to close Ontario hospitals. To call these ads an obscene waste of taxpayers' money is an understatement. To call them a scandalous misappropriation of taxpayers' money would be more appropriate.

Tell me, Minister, why didn't Mike Harris just steal the \$4 million from taxpayers and put it directly into his campaign? Wouldn't that be the more honest thing to do?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** This government, as the Leader of the Opposition is well aware, is making a lot of difficult decisions that had failed to be addressed in this province for over 10 years, and in particular in the health care field. The public has a right to be informed and a right to know. This government has a responsibility to inform the public. Overall, that's what government advertising does.

You can compare past government spending on advertising with our government spending on advertising. I think you will find they are comparable. Previous governments have done huge campaigns on programs such as Smile Ontario, which didn't eliminate one bit of fraud in the health care system, didn't improve the system.

Your government neglected to make the tough decisions to reform this health care system. All the experts talked about the need for it to be done. There's also a need to make sure the public is reassured about that and understands the direction that we're going.

**Mr McGuinty:** There is not a single educational aspect to that propaganda that you're showing on TV in Ontario. It is blatant, pure, unadulterated partisan propaganda. You are bringing this to new heights in Ontario.

Let's put this into some perspective here. You're going to spend more money in the next three weeks on advertising than any political party is allowed to spend during an entire election campaign. During the entire last provincial election campaign, your party spent \$1.7 million on ads. During the next three weeks you're going to spend four million taxpayer dollars on propaganda.

It's an abuse of power. You know it, I know it, the people in this House know it, and everybody in Ontario knows it. When are you going to stop spending taxpayers' dollars? When are you going to send the bill to your party so they'll pick up the tab for this propaganda?

**Hon Mr Hodgson:** I can talk about government advertising in general, if you want to compare the Liberal record. For two years — in 1990 they spent more than most governments would in a lifetime. They had \$50 million in 1990. That's \$7 million more. The NDP were \$45 million in 1994; they were a little more frugal. But they had \$6.6 million for their advertisements on PBS for Smile Ontario.

The province is going through some major changes. The health care field in particular is a sensitive issue for a lot of people. Government has the responsibility to inform people of the changes that are taking place, of the need for change and how it's going to be managed. This government has had the courage to address what people unanimously have said in the health care field, that there need to be reforms, that there need to be changes.

1420

**Mr McGuinty:** It's very interesting how this minister, how this government is willing to have everyone else pay the price of protecting the public purse. They didn't hesitate to fire nurses, they didn't hesitate to fire teachers, you're not hesitating to fire civil servants, but when it

comes to saving your own skin, hanging on to your own jobs, suddenly the sky is the limit.

What you are doing is unprecedented. Your current \$4-million spending spree is just the latest. It comes on top of millions spent on education propaganda. It comes on top of millions spent on wasted welfare propaganda. It comes on top of millions wasted on business propaganda. In total so far, and it's early going yet, early days yet, you have wasted over \$42 million worth of taxpayers' money in a desperate attempt to save your own skins. Minister, why should taxpayers be involved in this plot to fund your re-election campaign?

**Hon Mr Hodgson:** In his preamble he talked about laying off nurses. I want to remind this House of the record of his party. They shut down 10,000 beds — those are front-line nursing jobs — but you didn't have the courage to reform the system and move it from acute to something more appropriate for an aging population. I'm not underestimating that this is a huge structural change, but it's one that's long overdue and should have been addressed almost a generation ago, and this government is taking steps to do it.

I think everyone in this House would agree that governments have a responsibility to communicate change. They also encourage communication from elected officials, and I would encourage the leader of the Liberal Party to communicate his priorities and his policies around health care.

**The Speaker (Hon Chris Stockwell):** New question. Leader of the official opposition.

**Mr McGuinty:** Same minister, same topic. Minister, you're wasting \$42 million of taxpayer dollars on PC Party propaganda. It doesn't matter how you slice it and how you dice it, that's what it's all about.

Let's understand what this would have meant in terms of health care dollars for patients: \$42 million would have allowed you to hire almost 1,000 new nurses; \$42 million would have allowed you to wipe out the entire deficit of the Ottawa Hospital, which right now stands at \$41 million; \$42 million would have allowed you to pay for your share of 40 MRIs desperately needed by communities right across this province; \$42 million would have allowed you to pay for your full-year funding commitment to attract doctors to underserved areas in communities right across the province.

How can you justify wasting taxpayer dollars that ought to be devoted to health care and putting them into your campaign to re-elect Mike Harris?

**Hon Mr Hodgson:** If he wants to compare our advertising record to his advertising record when his party was in power, I'm glad to do that. All governments advertise. Your government in the late 1980s and early 1990s, in two years spent \$94 million — in those dollars in those years.

Governments advertise. We know that. There's nothing that I think is more important than communicating to the public about major changes that are taking place. If you want to have an honest debate about health care policy, I'd invite you to do that and tell us what the Liberal

position is on health care reform and the need for this change.

**Mr McGuinty:** Let's understand what \$42 million could have done for public education in Ontario. First of all, \$42 million could have bought three million new spelling books that are desperately needed by Ontario children. It could have kept 161 schools open — 161 of the 600 that you have chosen to close. It could have been used to hire 840 new teachers to help keep class sizes down and to help our students get more assistance with their education. Finally, what it could have done, \$42 million, is allow 24,096 adults to go back to school to an adult day program.

You tell me, Minister, where do you get off, where do you get the nerve to use education-paid taxpayer dollars that ought to be dedicated to education to plow into your bid to re-elect yourselves and Mike Harris's government?

**Hon Mr Hodgson:** The Leader of the Opposition I think would agree that they were changes that were necessary for Ontario, although publicly he states he's against every change that's proposed. What is your policy on this?

As well as that, for government advertising there is a role that we believe should be informing the public. There are major changes taking place; they should be informed of that. All governments have advertised. Our budget will compare with your government. In fact, these changes are well overdue and necessary.

**Mr McGuinty:** The minister likes to talk about changes that are necessary in Ontario. I can tell you, the only change that is necessary in this province is a change of government.

What you are doing with the taxpayers' \$42 million is wrong and you know it, and you're not going to get away with it. If Bob Rae had wasted this much money, the Tax-fighter would have been swinging from these chandeliers, and you know it. Tinpot dictators would blush at your use and abuse of taxpayer dollars for self-serving propaganda. What you're doing is scandalous and an obscenity. You are diverting money away that ought to be devoted to our patients and our students, and you're plowing that into a bid to re-elect your government.

Tell me once again, Minister, how you can possibly justify taking precious taxpayer dollars that ought to be spent on our patients and ought to be spent on our students to improve health care and to improve education, and what you're doing instead is sticking them into a fund to re-elect Mike Harris.

**Hon Mr Hodgson:** The Leader of the Opposition just wants to talk political rhetoric. He doesn't have any policies on anything, but he thinks the only change we need is a change in parties. That's what the public finds so cynical about your position.

*Interjections.*

**The Speaker:** Order. Minister.

**Hon Mr Hodgson:** If you want to look at the facts around this issue, I think everyone recognizes there needs to be change and that we have to do it and do it well. This government has taken the tough decisions to bring about



that necessary change on behalf of the taxpayers and the public in this province.

If you want to compare our record with the Liberal record, I'd be glad to do that. If you want to take a two-year period, you were spending \$94 million on government-paid advertising. That's just in two years. Over the 10-year period, between the NDP and the Liberal governments you closed 10,000 hospital beds. That equates to 35 mid-sized hospitals. But you didn't reduce the bricks and mortar, the administration or find efficiencies and reinvest those dollars —

**The Speaker:** New question, leader of the third party.

1430

**Mr Howard Hampton (Rainy River):** In the absence of the Premier and the Deputy Premier and the Minister of Health, I feel I should address this question to the Minister of Long-Term Care. It is about your latest television propaganda. My question is very simple. Doesn't it bother you to make such an outrageous comparison, such a misleading comparison between the chaos that you've created in the health care system and the picture of a child removing a Band-Aid from their leg?

Doesn't it bother you to suggest that the people who died before they could be treated in Peterborough, before they could be treated in Wawa, before they could be treated in Scarborough — doesn't it bother you that you had nothing for those people who died? You had no time for them, no money for them, but you've got \$4 million to spend on useless, disgusting television propaganda? Doesn't that bother you?

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** The member opposite knows full well, and in his earlier statements in this House he even made reference to the fact that he'd been touring around this province offering all sorts of commentary about his vision for health care in this province.

We know for a record of five years with your government just exactly what you accomplished. You have a very extensive record of closing hospital beds but not confronting the real issues or the fact that these half-empty hospitals still required expensive administration. You laid off all those nurses. People who required those beds, the longest waiting lists in this province, predominantly for cancer care and for cardiac care and dialysis — where was your commitment to ensure that some tough decisions were made and we expanded the expenditures in health care?

This government is very proud of the fact that it has been able to expand considerably the amount of funding for health care in this province to over \$18.7 billion, a record for this province, a commitment we're prepared to make —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Hampton:** Minister, I hate to have to give you some history over and over again, but Cancer Care Ontario was started under an NDP government, the whole strategy around dialysis was started under the NDP gov-

ernment, the whole Cardiac Care Network was started under the NDP government. This is about your government spending millions of dollars on useless, disgusting, partisan, political propaganda while patients wait in hospitals and some of them die. That's what it's about.

Just the \$4 million that you're spending on your latest television propaganda about health care could hire, full-time, 100 badly needed nurses. Those are the choices you're making. You lay off nurses, you refuse to hire the nurses who are needed. Yet you put \$4 million into this disgusting television propaganda. I ask you again, doesn't that bother you? Doesn't it bother you that people are suffering and you're taking money out of health care to finance this disgusting television propaganda campaign?

**Hon Mr Jackson:** The member opposite is now trying to take credit for all the things that were started in this province. Even by his own admission earlier, he says he was at the program at Dale Brain Injury Services. Yesterday I paid tribute to the NDP government for beginning the services. What I said was that they started something that the Liberal government refused to do. Under the Liberals, under David Peterson's regime, over 200 acquired brain injury families were sent to the United States.

I have to tell you, leader of the third party, that if you were that anxious to go to Dale Brain Injury Services in the last little while to talk to those residents, did you look those residents in the face and tell them why you left 76 of them stranded in the United States when you were the government?

Not this government. We're bringing every single one of them back to this province. We're doing it because we're restructuring health care and we have the courage to do it.

**Mr Hampton:** I think I have struck a nerve here. The question is, how do you justify spending this money —

*Interjections.*

**The Speaker:** Stop the clock. Leader of the third party.

**Mr Hampton:** As I started to say, I think I've struck a nerve. I've asked the minister twice now to justify the spending of \$4 million on these outrageous propaganda ads, and we haven't received an answer from him yet.

Minister, if we go back just to September 1 — first to your education propaganda, now your health care propaganda and then your welfare propaganda that people are receiving in the mail — it's \$10 million in less than two months. That's \$10 million wasted on propaganda.

As I pointed out, adding it all together, it's at least 200 full-time nurses; adding it all together, it's close to 300 classroom teachers.

Once again, how do you justify closing schools, shutting down programs, laying off nurses, underfunding emergency rooms, underfunding mental health services, underfunding underserved areas, while you spend this money on awful, terrible, ugly partisan political propaganda?

**Hon Mr Jackson:** I want to advise the leader of the third party that as he and members of his caucus run around the province trying to tell everybody how poor

things are, whether it's in health care or any other aspect of life in this province, he should be reminded that this government has made a courageous commitment to expand health services, to make decisions your government and the previous NDP government didn't make.

Before everybody gets too sanctimonious in this legislative chamber about advertising, I want to remind the member opposite that I sat on that side of the House. I remember a very famous Smile Ontario program, where \$10 million —

*Interjections.*

**The Speaker:** Order.

**Hon Mr Jackson:** Let's be clear: Government advertising wasn't begun in the last five months, five years or the last 50 years. But I want to remind the leader of the third party, as he smiles into the camera today on TV, that he reminds everyone of the Smile Ontario program of his former government, which spent \$10 million. The Jobs Ontario program spent more money on advertising than it did on one single recipient in this province to help them find a job. We will be held accountable for restructuring health care in Ontario in spite of the false and misleading comments that people are making about that restructuring in this province.

#### CHILDREN'S TREATMENT CENTRES

**Ms Frances Lankin (Beaches-Woodbine):** My question is to the Minister of Long-Term Care. I'm going to read to you from an October 5 letter from you to MPP Jim Flaherty about Grandview children's centre:

"As you know, I met with members of PACK" — that's the Grandview parents — "on August 24th."

Your letter goes to some considerable lengths to refute or explain away many of the parents' concerns. Minister, did you even listen to those parents at that meeting?

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** I want to confirm for the member opposite that I have consulted with people who were in attendance at that meeting, both ministry of long-term-care staff and my colleague the Minister of Community and Social Services, the member mentioned in the correspondence, and the concerns that have been expressed by those parents are well known to me. However, I believe the correspondence was in reference to the contract that was already sent and approved by the community care access centre in Durham for some of those services which they were providing.

1440

**Ms Lankin:** No, Minister. In your letter, you said you met with the parents. Let me quote from the chair of the parents' group in her letter to you:

"You state in your letter that you met with members of PACK.... But, Mr Jackson, you were not there. You have never set foot in Grandview, nor have you ever met with any parents from PACK."

It's clear that you signed the letter. It's equally clear that you didn't read it, because that's not the only misstatement of fact in this letter. You also suggest that the

review of the role of children's treatment centres is underway. You may be mistaken there because you listened to your colleague the Minister of Health, who said to me on June 18 in this House: "The review is underway.... This review is getting underway and we hope to complete it as quickly as possible." Another phony health care announcement. Five months later, the review hasn't started and you haven't even announced the terms of reference.

Kids and families are going without desperately needed services while you have continued the freeze on their budgets, while you await a review that you haven't even started and that's not likely to get started until January, and while your colleagues toss around this review like a political hot potato. Will you lift the freeze, Minister?

**Hon Mr Jackson:** First of all, I believe the member is struggling under a misapprehension about who is undertaking the review. I would be pleased to refer her next supplementary to the minister who is responsible for the review. I'm not responsible for the review. It's the Minister of Community and Social Services.

**Ms Lankin:** The freeze has been in place for over five years now, over three and a half of those years under your government. That freeze started under the NDP government for two years; three and a half years you've kept it in place. You're keeping them waiting out there for this phantom review which hasn't begun, which has been tossed from the Minister of Health to the minister responsible for children's issues to the minister responsible for community services, and the children's treatment centres are under your care, Minister.

The kids, the families, aren't getting the services they need. In Durham alone, the fastest growing population, biggest percentage of kids, an increase — 900 referrals last year. They're not getting the services. You brag about them discharging people from Grandview; 150 of the kids who have been discharged simply get no services.

Minister, please, I'm asking you, under your watch and your ministry, will you at least review lifting the freeze and giving an interim budget infusion while the review takes place? For the sake of the kids and the sake of the families, will you at least look at that?

**Hon Mr Jackson:** I indicated to refer the question to the minister responsible for the review, the Minister of Community and Social Services.

**The Speaker (Hon Chris Stockwell):** Minister.

**Hon Janet Ecker (Minister of Community and Social Services):** I would like to remind the honourable member that many of the services that these families receive come not only from long-term care; they also come from health and from the Ministry of Community and Social Services. All of the ministries have been working on this review of special-needs children. That review is underway. We will be meeting with parents to discuss the contents of that.

I would also like to remind the honourable member that, yes, there has been a freeze on these institutions because we need to review how best to serve the needs of those families. We have a number of reform initiatives underway to help support those families in a better way.



They have special-needs children. That's why we have our reform underway in children's services in community and social services. That's why the Durham MPPs have met with these parents many times. That's why we are undertaking this review, so that we can serve the needs of those families much better than they are currently getting.

### HOSPITAL RESTRUCTURING

**Mr James J. Bradley (St Catharines):** To the Chair of Management Board: Whenever my colleagues and I have asked questions about the future and status of local hospitals, the Premier and the Minister of Health have stated that these decisions were solely in the hands of the Health Services Restructuring Commission, or, as I call it, the hospital destruction commission. They have insisted that the commission is arm's length from the government, completely objective and totally autonomous, and that their decisions are final.

Today in Thunder Bay, as part of the political road show of Mike Harris paid for by the taxpayers of this province, and with an election just around the corner, Mike Harris ripped up the recommendations of the commission and announced a new and changed political solution for the hospitals in Thunder Bay.

Since we have exposed the fact that the commission is neither arm's length nor objective, and most certainly that its decisions are not final, may I assume that the Premier will elbow aside his commission and save the Hotel Dieu Hospital in St Catharines from the commission's swinging axe?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** Maybe the member of the Liberal Party is not aware of the facts around this. The health care restructuring commission changed its direction; it's based on their direction that the announcements were made yesterday. I can send him over the advertising around it or the press releases. That's more of a need for information to go to the public.

The people of Thunder Bay should be congratulated on working through this process that's going to improve their health care services for the next millennium, and the health care restructuring commission should be congratulated on the work that they have carried out in that community.

**Mr Bradley:** All this time, while you have closed or forced to merge 42 hospitals in this province despite Mike Harris's assurance — and I quote it to you again; this is Mike Harris saying, "Certainly I can guarantee you it is not my plan to close hospitals" — the Premier and the health minister have pretended that the hospital restructuring was not to be a political exercise. Yet the finance minister, Ernie Eves, in his own constituency ordered the reopening of the hospital in Burk's Falls.

Will you assure the people of St Catharines and the Niagara region that the Hotel Dieu Hospital in St Catharines, which has provided outstanding medical service to patients in our community for half a century, will receive the same treatment as the closed hospital in

Ernie Eves's riding? If not, would you tell the staff and directors of the Hotel Dieu Hospital what they should do with the congratulatory scroll which Mike Harris sent to the Hotel Dieu on the celebration of its 50th anniversary?

**Hon Mr Hodgson:** This is a rather sensitive issue to all members in this House. Let's get the facts clear on this. The Health Services Restructuring Commission makes recommendations. They have a 30-day process where the public in those areas can have comments and refine and suggest improvements. In Thunder Bay that's what happened.

In St Catharines — I know the member is concerned about this and so are a lot of the residents — there's a 30-day period from when they make their initial recommendations to when they make their final recommendations.

In Thunder Bay, the local people gathered around and came up with some ideas on how to improve it. I think it's something that all members of this House should be proud of.

In spite of the 10 to 15 years of inaction on behalf of this province, we're moving forward and putting the dollars to better use to serve patients in this province. In Thunder Bay that's a success story, and it wasn't always that way. If you talk to the people of Thunder Bay, there's a lot of acrimony in the community, as we looked at this for the last 10 years. Today and from here on, it's good news. They're working together to make a better health care system.

**Mr Bradley:** On a point of order, Speaker: I request unanimous consent for the minister to answer my question about Burk's Falls and comparing it to St Catharines.

**The Speaker:** Agreed? No. New question.

### HOMELESSNESS

**Mr Howard Hampton (Rainy River):** My question is for the Minister of Housing. Today the city of Toronto voted 53 to 1 to declare a state of emergency around the crisis of homelessness. Just in the past few days, two people have died here in the streets because of homelessness, yet your government does nothing.

Minister, will you join the Toronto city council and declare a state of emergency around the conditions of homelessness in this province?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** Mr Speaker, I'll refer this question to the Minister of Community and Social Services.

1450

**Hon Janet Ecker (Minister of Community and Social Services):** As the honourable member knows, this government has done a great deal to support municipalities across this province as they deal with people who find themselves homeless. Because we recognize that this is a very serious issue, because we recognize that there are many individuals who find themselves homeless for many reasons, we do have a responsibility. That's one of the reasons why we support municipalities with 80% of the funding. I've communicated with Mayor Lastman that we will continue to put forward that funding as they find new

hostel beds for those who find themselves homeless. We will continue to support.

We had a task force that consulted with municipalities, and the message we heard loudly and clearly was that a great deal of money was already being spent, but one of the problems was with the way it was being spent. Municipalities were having their hands tied. We can see here in Toronto the creativity, the innovation, the solutions that can be brought forward at the community level. Our responsibility is to help fund that and we are indeed doing that.

**Mr Hampton:** I see now why the Minister of Housing didn't answer, because this government frankly doesn't care about housing. That's why they've discontinued not-for-profit housing programs. That's why in fact all kinds of people who rely upon social assistance —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. Third party.

**Mr Hampton:** Your government has made the plight of people who are struggling very hard to find housing that much more difficult. As for your boast about support to municipalities, municipalities frankly tell you there is no support.

Toronto is finding some creative solutions. They're actually taking vacant buildings and turning them over to provide shelter for the homeless. Your government has been busy shutting down hospitals and laying off people. You must have some vacant buildings that are available. Would you provide a list of the vacant buildings that you can make available so that people who don't have a home will at least have a roof over their head this winter? Can you do that, Minister?

**Hon Mrs Ecker:** I'll refer this to the Minister of Housing.

**Hon Mr Leach:** I would also say that we're working with the city of Toronto on this effort. As the Minister Community and Social Services said, we support the municipalities in their search to provide more housing for the homeless. As a matter of fact, we continue to pay 80% subsidy for every hostel that they find.

I don't think there's anybody more qualified to identify buildings that may be available in a municipality than the municipality itself. The city of Toronto, for example, is doing that. They're putting together a list of buildings within their community that may be appropriate for hostels over the period in question, and when they identify those buildings, and if they provide additional beds, this government will be there to provide the support that we've always provided, and that is to pay 80% of the cost of every bed that is found.

## LONG-TERM CARE

**Mr Tom Froese (St Catharines-Brock):** My question is for the Minister of Long-Term Care. There's a concern in St Catharines and Niagara-on-the-Lake and indeed all of the Niagara region about health care, and many were anxious about waiting for the report on hospitals. Yesterday, the Health Services Restructuring

Commission recommended the closing of a hospital in St Catharines.

Minister, as you are responsible for long-term care, I would like you to tell me how long-term care services in St Catharines and Niagara are being improved on the one hand while on the other hand a hospital is being recommended for closure.

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** Thank you, to the member, for his question. I just want to put in context here that previous governments cut quite a few beds in the Niagara Peninsula, including in the St Catharines region. What we have to show for that is a bunch of empty beds and empty wards, and yet in spite of that fact today the restructuring commission has indicated that there should be an expansion of long-term-care beds.

That is a commitment that this government is already well in advance of with the restructuring commission, because we have allocated 646 new long-term-care beds to this region, 20% more than the restructuring commission has recommended.

Within the next two weeks, we'll be announcing the locations of the first 100 new long-term-care beds, the first for this region in 10 years. Last week, I announced the locations for 37 transitional beds. So we are building long-term-care beds for an aging society and in particular in the Niagara Peninsula, where they've been badly neglected for a decade.

**Mr Froese:** Thank you, Minister, for that great news. All of us in the Niagara region —

*Interjections.*

**Mr Froese:** Maybe the members on the other side of the House don't think it's important, but to the Niagara region it is important. We're looking forward to getting those first 100 new long-term-care beds.

Minister, community care is also a concern. My question to you is, what is the government doing in St Catharines and Niagara-on-the-Lake to build a more integrated community and family-based health care system?

**Hon Mr Jackson:** The Niagara region was one of the most discriminated against areas of Ontario in receiving its community-based services. Although two governments failed to recognize this, this government moved in less than three years to increase funding in this region by 77%. From \$29 million, we're now spending \$52 million on community care in the Niagara Peninsula.

On top of that, we've added additional community-based services of over \$6 million for integrated programs like Meals on Wheels, Pleasant Manor care services, brain injury community re-entry programs, the Victorian Order of Nurses, the west Niagara community support services, March of Dimes, Alzheimer day programs. The list goes on and on.

This part of the province has the largest and fastest growing group of seniors in all of Canada. This government moved quickly, immediately, when it had its mandate to increase funding for badly needed services for the Niagara Peninsula, and we're proud of those expanded services.



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## TUITION FEES

**Mr David Caplan (Oriole):** My question is for the Minister of Education. Today we've heard that your government is spending \$42 million on propaganda. That \$42 million is almost as much as you've taken out of post-secondary student assistance programs.

In the gallery today is Chris Chmelyk, who has come all the way from Queen's University to get you to take notice of his situation. Chris wrote to you urgently. He's an engineering student at Queen's. He's going to have to leave school in January because of your tuition hikes, because you've saddled him with crushing debt.

Here's what he said to you. He can't qualify for OSAP because his parents' income is too high. His parents can only send him \$200 a month. He has exhausted the lines of credit from the bank. There is no more money available for his education.

This is your legacy, Minister. This is what you've done to thousands of post-secondary students in Ontario with your cuts to student assistance. Chris Chmelyk and the rest of Ontario's students want an answer from you here today. Tell us today, Minister, why your government has decided to spend \$42 million on advertising propaganda instead of investing that money in student assistance so that Chris and 500,000 —

**The Speaker (Hon Chris Stockwell):** Thank you.

**Mr Caplan:** — post-secondary students in Ontario can finish their education.

**The Speaker:** Come to order. Would the member for Quinte come to order as well.

**Hon David Johnson (Minister of Education and Training):** I would say, in connection with assistance to students, that the assistance to students this year through the provincial government will total \$535 million.

Let's just check and see what assistance to students was during the Liberal years. It says here that the maximum amount of support during the Liberal years was about \$300 million less. In terms of the total investment —

*Interjections.*

**Hon David Johnson:** They obviously don't want to hear this. In terms of the total investment in post-secondary education, this government, through tax expenditures and normal expenditures, has invested almost \$3.3 billion in post-secondary education, which is over half a billion dollars more than the Liberals invested.

We're attempting to focus in areas of greatest need to our post-secondary students. That is our program.

**Mr Caplan:** I just say to the minister, any way you slice it, it's still baloney.

Minister, you've made student assistance harder to access. You haven't explained why you've chosen to spend \$11 million on education propaganda instead of spending it on student assistance.

In the gallery today as well are members of the alma mater society. They've come to demand an answer from you about how your government is going to ease the debt burden on college and university students. You told them

on July 23 that you would finally have a framework for changes to OSAP by September 30 this year. It's now the end of October and all we've seen is new spending on government propaganda advertising.

Stand in your place and tell us why you've sat back and watched the average student debt rise to a level of \$25,000 because of your tuition hikes. Tell the AMS representatives why you made empty promises in July. These students are going to meet you outside of the House today to hear your explanation. I want to hear it right now, here in the House.

**The Speaker:** Member for Nepean, don't hold up a sign any more, please. Thank you.

**Mr John R. Baird (Nepean):** The "Mom, send money" sign?

**The Speaker:** Member for Nepean.

**Hon David Johnson:** Maybe I would point out to the member for Oriole the views of the Canadian Federation of Students. The headline in this particular article from the Canadian Federation of Students says, "Martin Fails Grade Over Student Debts." Paul Martin, federal Liberal; does that ring a bell? Do we know anybody else —

*Interjections.*

**The Speaker:** Minister.

**Hon David Johnson:** The sad reality is that 70% of student debt is from a federal loan. That's what we have to contend with. This government has taken this matter very seriously. I take very seriously the matter of this individual student.

That's why we have increased OSAP, Ontario student assistance, by 33%. During our term, we have instituted the Ontario student opportunity trust fund, some \$600 million to assist students. We've insisted that 30% of any tuition increase, if an institution increases the tuition, be set aside to help those students who need that help. We've instituted the access to opportunities program to help students in those particular courses. We've increased funding to Ontario's universities that have increased access by some \$29 million. On and on it goes. We've focused the need to the student —

**The Speaker:** New question.

## VIOLENCE IN SCHOOLS

**Mr Bud Wildman (Algoma):** I have a question for the Minister of Education and Training, a very serious, grave matter. The Toronto Star recently in a survey showed that one out of five high school students in the greater Toronto area feels unsafe at school. Earlier, my leader asked the minister about a memo issued by his ministry to the new secondary school curriculum teams. The ministry directed the teams to remove education about violence prevention from curriculum documents that are actually used by teachers to develop lesson plans.

Minister, in light of the communities' concerns about violence among students, will you reverse your ministry's directive and ensure that curriculum policy documents in each subject area include education about violence prevention?

**Hon David Johnson (Minister of Education and Training):** I will assure the member opposite that there is a policy document governing violence in schools. It was actually created in 1994 by the NDP government. It is a document that guides this issue which is a most sensitive one. It's one that we need to spend a great deal of thought and effort in terms of addressing. This document is available and governs the conduct of all of our schools.

The school officials, as they have down through the ages, have determined that these documents, because they already exist, do not have to be duplicated in each and every curriculum. But I will also say that each of the curriculum teams has an expert in terms of violence as they create the new curriculum, and are aware of those kinds of issues as they are creating the curriculum.

**Mr Wildman:** The minister will know that the policy document he refers to is an important one but it does not deal with the curriculum. It doesn't deal with everyday teaching in the classroom on this issue.

Let's deal with the Violence-Free Schools Policy document that was developed after consultation with over 3,000 Ontarians by our government. That document recognized the need to involve the whole community in violence prevention. But the government's cuts to education have exacerbated youth violence. The cuts have taken away the supports that students need, like guidance counsellors and social workers in secondary schools.

The Violence-Free Schools Policy document requires the ministry to review the policy and procedures after three years. The document is now four years old. It should have been reviewed last year. Has your ministry reviewed this document? When will we see the proposals for its implementation in future?

**Hon David Johnson:** I'm happy to say that yes, indeed, the ministry has long ago started the review of this particular policy. We're working very diligently towards an update. I might call it a safe schools sort of approach. This is something this government is committed to. We've promised to do this. You can expect it in the not-too-distant future. It is a very high priority.

In terms of support within the classrooms for guidance teachers, for example, the amount of money within the funding formula has been increased so that there are more resources available for guidance counsellors and librarians and all the other people in that particular category, but it certainly includes guidance counsellors across Ontario.

These are all very important measures that this government considers a high priority and I hope we'll come forward in the very near future with that upgraded policy.

1510

#### TEACHERS' WORK-TO-RULE

**Mr Frank Klees (York-Mackenzie):** My question is to the Minister of Education and relates to the serious effect that students are feeling as a result of work-to-rule by teachers in York region.

On October 5, I read into the record a petition that had been presented to me by two students, Moe Ajram and Kari Coish, the student council vice-president and president of the Dr G.W. Williams Secondary School in Aurora. That petition expressed the serious concerns of students who are being affected by the work-to-rule strategy of teachers in York region because they're being denied all extracurricular activities.

On Monday of this week those same students came back to see me and they're now concerned that work-to-rule is affecting them not only in extracurricular activities but in the classroom. Students are being told by teachers that they don't have the time to provide extra help when asked for explanations on lessons and results of tests are often delayed for days.

Minister, these students are looking to this government for some answers. They're looking to you as minister. What advice can you offer to students in my constituency being so affected?

**Hon David Johnson (Minister of Education and Training):** I share the concerns of these students and I would hope that each and every member of this House would share the concerns of these students. I have received letters from other students, and certainly there are newspaper articles. They express extreme disappointment with the withdrawal of teacher support for extracurricular activities.

Frankly, it's disappointing, it's unacceptable and it's very frustrating because these are activities that students need. These are very important in terms of their overall involvement within their schools in activities such as the Metro Bowl today. I see that the number of participants in the Metro Bowl has been reduced. It can be sports activities, science clubs, musical plays — many different activities that are most important.

I continue to believe in the professionalism of the teachers and I call on them to restore all of these extracurricular activities for the students who need them most urgently.

**Mr Klees:** The students who are affected by this work-to-rule strategy of the union leaders simply wish to participate in extracurricular activities. They simply want to get on with the education in the classroom. Their concern is not the content of the contracts under which the unions are negotiating or of their teachers' contracts. What they want to ensure is that their academic year is not at risk. They want to ensure that they can participate in sports. Many of these young people want to qualify for sports programs in universities.

This action right now of these teachers is in many cases going to jeopardize the academic year and is going to jeopardize the opportunity for these students to qualify for sports programs in universities. What can we do to support the students in the classroom so they can get on with their education?

**Hon David Johnson:** It is clearly unacceptable that students not receive the type of support they have received in the past, whether it be for extracurricular activities —

*Interjections.*



**Hon David Johnson:** I can hardly hear myself think, Mr Speaker.

The member has raised the issue of assignments, the marking of assignments and returning of assignments. The marking and returning of assignments would be a normal requirement of the activities within a school, and this may be a matter that should be raised with the local principal or the local school board representative and addressed because these are not voluntary activities. Marking and returning assignments are part of the job and the activities within a school.

I think we all need to call on those in the teaching profession — they're professionals — and ask them to put the students first, think of the students, get back to all of those extracurricular activities —

**The Speaker (Hon Chris Stockwell):** Thank you.

### HEALTH CARE FUNDING

**Mr Dominic Agostino (Hamilton East):** My question is for the acting Deputy Premier. My leader, Dalton McGuinty, earlier today pointed out that your government has spent \$42 million on government propaganda and your latest ads on health care propaganda are costing Ontarians \$4 million.

I want to contrast that to the cuts. A constituent, Mr Saheed Mohammed, 68 years old, had heart surgery and was released from hospital a week later. That same evening he suffered chest pains and was rushed to the hospital he was released from. As a result of the emergency department being full, the gentleman was transferred to another hospital. Four hours later, he was en route back to the original hospital where he had the surgery and died on the way to the hospital. The wife, Mrs Mohammed, clearly believes that her husband would be alive today if it wasn't for the fact that he was turned away from the original hospital due to overflow and the emergency department being in a situation where they could not take him.

Minister, according to Mrs Mohammed, your cuts killed her husband. Can you tell me how the \$4 million that you're spending on government propaganda on health care is going to help Mrs Mohammed understand why her husband died as a result of your cuts?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** The particular example that the member mentions: I think everyone would feel some concern about this tragic incident. I don't think that does anyone any benefit unless we learn that we have to reform the system and improve from that example. Our sympathies go out to the family and friends.

What we want to do with the reform is make it so these situations do not occur in this province. One occurrence like that is not acceptable to anyone. We also recognize that we have to go through change to find the dollars, to prioritize under the front-line services. Taking the Liberal approach of do nothing has put us in a situation where we've had to take some rapid action to improve the system.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr John C. Cleary (Cornwall):** Like my colleague from Hamilton East, my question is to the acting Premier and it's about the squandering of four million hard-earned taxpayers' dollars on propaganda.

In the greater Cornwall area we could have put that money to better use. In August your government finally announced after two and a half years that a Cornwall dialysis machine would be up and running in November. Here it is, the end of October, and there are a lot of questions that are not answered, such as when the facilities will be operational and what the hours will be. Many of the working-class people in my community want to know what hours this will be available to them.

Also, in the election campaign Mike Harris promised not to close any hospitals, but we had a casualty in our riding too. The residents are very worried that it will not result in improved health care and about the dollars that it will cost them for the new facilities.

My question is, what will the hours of service be for the new dialysis equipment in Cornwall and when will it be up and running?

**Hon Mr Hodgson:** It's a good question and I'll take it under advisement and inform the Minister of Health to get back to the member on the question.

I should point out to the Liberals on the other side that this government has increased overall health care spending in this province far in excess of what we campaigned on and what you campaigned on to meet the needs. The only government in Canada that has cut health care spending is your federal cousins in Ottawa.

But the point is that by restructuring this system, the changes that are necessary, the changes that this government information is trying to inform the public about — and this is the need for information — are those dialysis programs, those special programs, those community care programs. The dollars from that come from restructuring the acute care system.

That's why if your government had taken the action back in the 1980s when all the experts said we have a surplus of hospitals in this province, that we need more dollars out in the front-line services, then we wouldn't have that problem. The quicker we get through that, the better off our health care system will be in this province.

1520

### PETITIONS

#### MANDATORY INQUESTS

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario and to the honourable Solicitor General.

"Whereas the Progressive Conservative government of Ontario has decided to scrap mandatory inquests as a result of fatalities in the mining and construction industries; and

"Whereas this unprecedented and callous decision sets workplace safety back 20 years;

"We, the undersigned, request that Solicitor General Bob Runciman, on behalf of all workers in the mining and construction industry, reverse his decision to remove mandatory inquests from the Coroners Act of Ontario."

Of course, I affix my signature to this United Steelworkers of America petition.

### PORNOGRAPHY

**Mr Tony Martin (Sault Ste Marie):** I have a petition here signed by some 300 to 400 people and it concerns the issue of pornography. It says:

"To the Legislative Assembly of Ontario:

"Whereas children are exposed to pornography in variety stores and video retail outlets; and

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to pornography;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will create uniform standards in Ontario to prevent minors from being exposed to pornography in retail establishments; prevent minors from entering establishments which rent or sell pornography; restrict the location of such establishments to non-residential areas."

I sign my name to this petition.

### PALLIATIVE CARE

**Mr Bob Wood (London South):** I have a petition which reads as follows:

"Whereas most Ontario residents do not have adequate access to effective palliative care in time of need;

"Whereas meeting the needs of Ontarians of all ages for relief of preventable pain and suffering, as well as the provision of emotional and spiritual support, should be a priority to our health care system;

"We, the undersigned, petition the Legislative Assembly of Ontario to resolve that a task force be appointed to develop a palliative care bill of rights that would ensure the best possible treatment, care, protection and support for Ontario citizens and their families in time of need.

"The task force should include palliative care experts in pain management, community palliative care and ethics in order to determine effective safeguards for the right to life and care of individuals who cannot or who can no longer decide issues of medical care for themselves.

"The appointed task force would provide interim reports to the government and the public and continue in existence to review the implementation of its recommendations."

**Mr Howard Hampton (Rainy River):** On a point of order, Speaker: I've just come from outside the chamber and security guards are trying to eject people who are here representing homeless organizations. Those people representing organizations that advocate for the homeless are here because the press might want to speak to them. Those

can't be the rules of this Legislature that someone who comes here to address or ask questions about an important public policy is no longer allowed access to the media. Those can't be the rules.

My God, this is a place for public debate. It's a place to raise public questions and it's a place for people who are touched by those decisions or touched by those debates to have an opportunity to talk to the media. The security guards, who I assume report to you, are trying to force those people to leave, trying to limit their access to the media. Those can't be the rules around here.

**The Acting Speaker (Mr Gilles E. Morin):** I have listened to you, leader, attentively, and this has nothing to do with procedures. I would suggest that you consult with the Speaker of the House, who is responsible for security. Please do. That's my ruling.

**Mr Hampton:** Speaker, I'm not questioning your ruling, but this certainly must be a point of democracy. This has to be a democratic institution.

*Interjections.*

**The Acting Speaker:** Order.

If you'd please follow my advice, I think that would be the wisest thing to do.

Member for Scarborough North.

**Mr Alvin Curling (Scarborough North):** I have a petition here that reads like this:

"Save the Dieu."

"The Health Services Restructuring Commission, HSRC, has given notice that it intends to direct the Hotel Dieu Hospital to close and to require" —

**Mr Bud Wildman (Algoma):** Those people pay for this place. We all do.

**The Acting Speaker:** Order. Member for Algoma, please.

**Mr Tony Martin (Sault Ste Marie):** On a point of order, Speaker: Perhaps the members opposite who haven't been here for a long time won't realize that this is the first time this has ever happened in this place. People are always —

**The Acting Speaker:** Order.

**Mr Steve Gilchrist (Scarborough East):** Every tour group is turned around on the staircase. It happens every day.

**The Acting Speaker:** Member for Scarborough East.

Member for Sault Ste Marie, this is not a point of order. Let's continue with the procedures. Please take your seat. This is petition time.

Member for Scarborough North.

### HOSPITAL RESTRUCTURING

**Mr Alvin Curling (Scarborough North):** I've got a very serious petition before you. It says, "Save the Dieu."

"The Health Services Restructuring Commission has given notice that it intends to direct the Hotel Dieu Hospital to close and to require that the Religious Hospitallers of St Joseph cease to govern. If the proposed direction is made and implemented, then access to high-



quality health care will be seriously undermined in Kingston and region.

"The sisters are recognized for their leadership in the health care community. They have developed the plan for and operated an efficient outpatient teaching hospital and have provided a high quality of patient care for 123 years from the same location. Their distinct values and philosophy, coupled with the sisters' tradition of compassionate care, must not disappear.

"The HSRC's proposed direction calls for the dismissal of the sisters from their role in the governance in outpatient health care at the Hotel Dieu Hospital. This is not in the best interests of the patients and families in this city and region. The people of Kingston deserve to have access to the kind of quality health care for which the sisters are well recognized.

"Those who must use public transportation to get to outpatient clinics will be seriously affected. Taxpayers should not have to shoulder any extra burden in paying for a new outpatient facility, when the Hotel Dieu site can accommodate the needs of the people of Kingston. Many downtown businesses will suffer greatly should the site be closed.

"The sisters of Hotel Dieu Hospital are asking you to help them in their response to the commission by signing this petition."

I also will put my name to this petition.

#### PROPERTY TAXATION

**Mr David Christopherson (Hamilton Centre):** I have the following petition:

"Whereas the Harris government's 'downloading' to municipal taxpayers is directly responsible for the \$36.3-million shortfall to the region of Hamilton-Wentworth; and

"Whereas the Harris government 'downloading' is directly responsible for creating a property tax crisis in our region; and

"Whereas the Harris government, while boasting about its 30% tax cut which benefits mainly the wealthy, is making hard-working families, seniors, homeowners and businesses pay the price with outrageous property tax hikes and user fees for services; and

"Whereas city and regional councillors are being unfairly blamed and forced to explain these huge tax hikes, Hamiltonians know that what's really going on is that they are being forced to pay huge property tax increases to fund Harris's 30% tax giveaway to the rich; and

"Whereas homeowners, including seniors and low-income families, are facing huge property tax increases ranging from several hundred to thousands of dollars; and

"Whereas the Harris government 'downloading' has led to huge property tax increases for business that will force many small and medium-sized businesses in Hamilton-Wentworth to close or leave the community, putting people out of work; and

"Whereas Hamilton-Wentworth region is proposing that the Harris government share in the costs of an expanded rebate program, worth about \$3 million region-wide;

"Therefore we, the undersigned, demand that the Harris government immediately eliminate the \$38-million downloading shortfall that is devastating and angering homeowners as well as killing business in Hamilton-Wentworth."

I continue to support my community by signing this petition.

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr Carl DeFaria (Mississauga East):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have often been denied training, employment, and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

1530

#### EDUCATION FUNDING

**Mr Mario Sergio (Yorkview):** I have a petition addressed to the Legislative Assembly of Ontario:

"We, the undersigned taxpayers, call on the government of Ontario to rethink its school reform policy.

"Your reform has thrown the education system into total chaos and the crisis your minister envisaged to create is much worse than expected.

"From kindergarten to adult education cuts have caused deep concern among parents, students, school boards and trustees.

"We call on the Premier of our province to reallocate some of the funding cuts and give us back an education system that gives our sons and daughters the best education for a good start in life."

I agree, and I will affix my signature to it.

### PALLIATIVE CARE

**Mr Bob Wood (London South):** I have a petition signed by 17 people:

"Whereas most Ontario residents do not have adequate access to effective palliative care in time of need;

"Whereas meeting the needs of Ontarians of all ages for relief of preventable pain and suffering, as well as the provision of emotional and spiritual support, should be a priority to our health care system;

"We, the undersigned, petition the Legislative Assembly of Ontario to resolve that a task force be appointed to develop a palliative care bill of rights that would ensure the best possible treatment, care, protection and support for Ontario citizens and their families in time of need.

"The task force should include palliative care experts in pain management, community palliative care and ethics in order to determine effective safeguards for the right to life and care of individuals who cannot or who can no longer decide issues of medical care for themselves.

"The appointed task force would provide interim reports to the government and the public and continue in existence to review the implementation of its recommendations."

### HOTEL DIEU HOSPITAL

**Mr James J. Bradley (St Catharines):** My petition reads as follows:

"Since the Hotel Dieu Hospital has played and continues to play a vital role in the delivery of health care services in St Catharines and the Niagara region;

"Since Hotel Dieu has modified its role over the years as part of a rationalization of medical services in St Catharines and has assumed the position of a regional health care facility in such areas as kidney dialysis and oncology;

"Since the Niagara region is experiencing underfunding in the health care field and requires more medical services and not fewer services;

"Since Niagara residents are required at present to travel outside of the Niagara region to receive many specialized services that could be provided in city hospitals and thereby not require local patients to make difficult and inconvenient trips down our highways to other centres;

"Since the Niagara hospital restructuring committee used a Toronto consulting firm to develop its recommendations and was forced to take into account a cut of

\$40 million in funding for Niagara hospitals when carrying out its study;

"Since the population of the Niagara region is older than that in most areas of the province and more elderly people tend to require more hospital services;

"We, the undersigned, request that the government of Ontario keep the election commitment of Premier Mike Harris not to close hospitals in our province, and we call upon the Premier to reject any recommendation to close Hotel Dieu Hospital in St Catharines."

I affix my signature as I'm in full agreement.

### SCHOOL CLOSURES

**Mr Bert Johnson (Perth):** I have a petition from the riding of Perth to the Legislative Assembly:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We, the undersigned students of rural Ontario, oppose the current Ministry of Education and Training funding formula in relation to rural boards. We believe that special consideration should be given to the fact that our population is spread over a wider geographical area. A blanket funding formula for such a large and diverse province as Ontario will not work for all its citizens equally."

I want to announce that the people in Stratford last night found out that indeed the funding formula is doing the job that it was intended to do.

### DENTAL CARE

**Mr Alvin Curling (Scarborough North):** I have a petition to the Legislative Assembly of Ontario which reads:

"There is a new schedule of dental services for children and people with disabilities. It was introduced by the government under the Ontario Works Act and the Ontario Disability Support Program Act.

"Whereas the new schedule fails to meet the special needs of children and people with disabilities, reduces services, places barriers to accessible care, creates an environment of various different dental programs across Ontario; and

"Whereas the move away from an emphasis on prevention under the new dental schedule brings significant health risks for children and people with disabilities, who are often the least able to practise good oral hygiene; and

"Whereas the new dental schedule interferes with the patients' rights to consent to treatment by requiring administrators, and not patients or substitute decision-makers, to authorize and deny dental treatment; and

"Whereas there is no method for the patient to appeal a decision by a plan administrator to deny dental treatment; and

"Whereas pre-authorizations, called predeterminations in the new plan, will require that a higher level of confidential patient health information be disclosed to dental plan administrators; and



"Whereas the Ontario government has caused confusion among patients by introducing the plan without prior consultation and has not included any affected patient groups in consultations after releasing the new dental plan;

"We, the undersigned, petition the Legislative Assembly as follows:

"Delay full implementation of the new dental plan until the requirement for predeterminations is removed, patient confidentiality is protected, the plan emphasizes prevention in oral health care, and the government consults directly with affected patients to ensure the new plan will meet the special needs of children and people with disabilities."

I will affix my signature to this petition, in agreement.

## OPPOSITION DAY

### FIREARMS CONTROL

**Mr Dalton McGuinty (Leader of the Opposition):** I move opposition day motion number 3:

Whereas the Harris government has lowered the minimum age for hunting with a firearm to just 12 years of age; and

Whereas many police and victims' groups have strongly stated that putting guns in the hands of children as young as 12 threatens public safety; and

Whereas there has already been a fatal shooting involving a 13-year-old child since the Harris government lowered the age; and

Whereas the Ontario Liberal Party believes that it is more important to put books, not guns in the hands of children; and

Whereas the Harris government has also ignored police and victims' groups by fighting universal gun registration; and

Whereas universal gun registration is supported by the Ontario Association of Chiefs of Police, CAVEAT, the Peel Regional Police Association, the Hamilton-Wentworth Regional Police, the Ontario Coalition of Senior Citizens' Organizations, Halton Health Services, the Niagara Health Services Department, Interval House (Ottawa), municipal councils of Etobicoke, Gloucester, Goderich, Guelph, Nepean, Lindsay, Kitchener, Peterborough, Waterloo, Brampton, Oshawa, London; and

Whereas a recent Angus Reid poll showed that the following people supported universal gun registration: 86% of Ontarians, 54% of Ontario gun owners, 88% of the people in Toronto, 85% of the people in southern Ontario, 88% of the people in eastern Ontario, 76% of the people in northern Ontario, 88% of people living in urban Ontario, 75% of people living in rural Ontario, 89% of non-gun owners, 91% of female voters, 79% of male voters;

Be it resolved that the Harris government acknowledge the danger of allowing children to have access to guns by

reversing its decision to put guns in the hands of children; and

Be it further resolved that the Harris government end its fight against universal gun registration by working with police and the federal government to fully implement the federal gun registration law in the province of Ontario.

**The Acting Speaker (Mr Gilles E. Morin):** Mr McGuinty has moved opposition day motion number 3. Mr McGuinty.

**Mr McGuinty:** I am very pleased and proud to rise today in support of this opposition day motion. This motion is all about public safety. It's about protecting our children, protecting our citizens. It's about protecting every single member of the Ontario family. It's about protecting our communities.

It's important to understand what, quite simply put, this motion says. It says the government should work with police to implement universal gun registration, otherwise known as gun control, and it says that the government should listen to the police and victims' groups and just about everybody in Ontario, but especially mothers, who are telling us that we should take guns out of the hands of 12-year-olds.

Gun control is a hot topic. It's a topic a lot of politicians don't like to discuss. They're afraid of the political consequences. They're afraid of the gun lobby. They're afraid of a small, but vocal and highly motivated, interest group that wants to Americanize gun culture in Ontario.

Mike Harris and the NDP are terrified of this issue. They're afraid of the gun lobby. They're afraid to express the views of the overwhelming majority of Ontarians. Undoubtedly, as the result of the position that I am taking and that my party is taking, we will become the target of the gun lobby. That's a group that wants to Americanize gun culture in Ontario.

### 1540

I want to make it perfectly clear: I'm going to talk about gun control. I support gun control. I'll be working with the police and the federal government to implement universal gun registration in Ontario. I believe that if you live in Ontario and you own a gun, it is not too much to ask that that gun be registered with the police. That's the message I intend to deliver everywhere I go in Ontario. I won't have one message for the gun lobby and another message for the rest of Ontario. I have just the one message: I support gun control.

If there are problems connected with the implementation, then it's important that we address those problems. But you either have to stand up in favour of the principle of gun control, as 86% of Ontarians do, or say you're against it. If you're against it, then stand up in this Legislature today and tell Ontarians that you are against gun control, that you stand against Ontario police in their efforts to make our streets and our homes safer, that you oppose gun control, notwithstanding the fact that the overwhelming majority of Ontarians — including, by the way, the majority of hunters, the majority of gun owners. Tell all of those people who support gun control that you stand against it.

Our police have asked for gun control. They say it's going to make their jobs safer. Surely everybody in this Legislature has read enough stories about police being injured or even killed in the line of duty. They are saying that it's important for them to know whether or not somebody has a gun inside their apartment or their house. I agree. I don't think it's too much to ask Ontarians that if they own a gun, they register that gun and supply that information to the police. I stand with the police on this issue. I intend to work to ensure that we implement gun control in Ontario.

Just to review the level of support for this, 86% of all the people in our province support registry. That support, as I read at the outset when I introduced the motion, spreads right across the province. The great majority, the overwhelming majority of people who live in the south of our province, in the east, in the north, in our rural and urban areas, all those people support gun control.

But polls aside, it's the right thing to do. From time to time in our history, we have an opportunity to decide which path we're going to walk down. We've got to decide when it comes to gun culture in Ontario whether we want to walk down the American path or we want to walk down a path that's unique to us. That's the Ontario path. I choose the Ontario path.

By fighting gun control, Mike Harris has been fighting our police. He's choosing the American path. He has been fighting victims' groups, people like Priscilla de Villiers who believe gun control is going to make our streets safer. He's decided to listen to the gun lobby. For a guy who said he would never listen to the special interest groups and that he was there for the people, how is it that when 86% of Ontarians say, "Give us gun control; it's going to make our streets safer; it's better for our families," he suddenly decides that he's not going to pay attention, notwithstanding the fact that he claims now that he's going to listen, he's going to be more sensitive to the needs and the opinions of Ontarians?

Not many taxpayers know this, but we are spending thousands and thousands of dollars fighting gun control. First we decided to spend it in a case before the Alberta Court of Appeal. When the Alberta Court of Appeal — I'm not talking about the BC Court of Appeal or the Ontario Court of Appeal — ruled that gun control was constitutional, that it was lawful, what did Mike Harris do? He encouraged the government of Alberta to pursue an appeal to the Supreme Court of Canada and then he said, "By the way, we will send our lawyers to the Supreme Court of Canada to once again fight gun control," notwithstanding the fact that 86% of Ontarians and that Ontario police are begging for gun control. That's what he did.

Inquest after inquest, coroner's inquests, have called for quick and decisive implementation of gun licensing and registration in Ontario. Just so people understand how a coroner's inquest works, people are taken off the streets to sit on the jury and they are then provided with all kinds of information, expert and otherwise, that has to do with the incident they're reviewing — if it's a death, how that

death came about — and asked what kind of recommendations they might come up with in the future in order to avoid that kind of tragedy from happening again.

Inquest after inquest has made it clear to the government of Ontario that they believe we should have gun control in our province. The 1991 inquest into the suicide of Jonathan Yeo, the man who killed Nina de Villiers and Karen Marquis, made it perfectly clear that gun control was essential to make our streets safer.

Mr Speaker, you'll be aware of the recent tragic murder of Brian Smith back in our neck of the woods in eastern Ontario, in Ottawa. The 1997 inquest into the murder of Brian Smith also provided by way of its recommendations that we implement gun control in Ontario.

Most recently, and this also happened in Ottawa, two children under the age of 10 were murdered by their father: the Kasonde children. The results of that inquest also contain recommendations that made it perfectly clear that it was essential for safety in Ontario, for the safety of our children and our families, that we have gun control implemented.

Who else favours gun registry? Just so this is on the record and so people understand, the Ontario chiefs of police do; the Canadian and Ontario associations of police boards; the Hamilton-Wentworth Police Service; the Peel Regional Police Association.

Police know the benefits of this legislation. You would think the law-and-order backbenchers of the Mike Harris government would understand that too. They talk the talk when it comes to addressing crime, which is a real issue in Ontario, no doubt about it, but they like to talk about super-jails, which is an American idea, they like to talk about boot camps, which is also an American idea, and they like to talk about their famous, or infamous, Crime Control Commission, this two-bit crime squad that they have cobbled together in an effort to lend the impression that somehow they are genuinely interested in attacking crime in the province of Ontario.

But 86% of Ontarians are directing this complaint to the crime commission and the government and they're saying, "Give us gun control." Why is it that the crime commission — I ask rhetorically, of course — can't step forward and say to the Premier, "We've listened to the people, we've listened to the police in Ontario, and we've decided to implement gun control"?

**Mr Bob Wood (London South):** What is your policy on crime?

**Mr McGuinty:** The member asks me what my policy is on crime. I'll tell you what it is. I'm in favour of gun control, I'm in favour of red light cameras, and I'm against putting guns in the hands of 12-year-olds. Public safety: That's what it's all about.

Let's understand what other groups are supportive of gun control in Ontario. First of all, Priscilla de Villiers, who heads up the group CAVEAT, has been asking this government time and time again to implement gun control. The Canadian Criminal Justice Association has spoken out in favour of gun control. So have the Canadian Bar Association, Halton Health Services and Niagara Health



Services. Speak to doctors who serve time in our emergency wards in this province. They will tell you what it's like to put together somebody who has suffered from a gunshot wound and they will tell you how much they stand in favour of gun control in Ontario.

Of course I listed just some of the municipalities that have come out in favour of gun control right across this province. However, if you thought Mike Harris was a captive to the gun lobby on the issue of gun control, just look at what he did on the issue of putting guns into the hands of 12-year-olds.

#### 1550

I want to make it very clear that, unlike Mike Harris, Ontario Liberals do not believe that 12-year-olds should be playing with guns. I just cannot for the life of me understand how this government could possibly decide, as part of an important public policy initiative, that it was going to put guns in the hands of 12-year-olds. Hockey sticks, yes; basketballs, yes; laptop computers, yes. But guns in the hands of 12-year-olds, how is that in the interest of our children? How is that in the interest of public safety in Ontario? For the life of me, that escapes me entirely.

Everybody in this House knows that this is a bad idea, it's a stupid idea, it's a dangerous idea, and people are going to pay the price for it. Somebody is going to get hurt. Somebody is going to be shot. In fact, since the announcement of that policy change on the part of this government, there was a case in Ontario where young cousins were hunting together, a 13-year-old and a 17-year-old, and quite accidentally the younger cousin shot his older cousin. The older cousin died. It was an accident, it was painful, it was tragic, but maybe most importantly of all, it was predictable. It is perfectly predictable that if you take guns and put them in the hands of 12-year-olds, something is going to happen, an accident is going to happen. Apparently we don't have enough accidents happening with adults and guns, so now we're going to extend that right and that privilege to children.

Children don't have the physical or intellectual capacity to handle guns. They don't have the emotional self-control to handle guns. There is something that happens to us as we mature as human beings. Ideally, after your teenage years, you develop greater emotional self-control. That's the time when we say that you can vote, that's when you can purchase your cigarettes, that's when you can exercise the right to drive a car. But apparently when it comes to the use of a firearm in Ontario, this government says that children are mature enough at the age of 12 to handle a firearm. I disagree, and I can tell you that the great and overwhelming majority of Ontarians disagree as well with this government on that particular front.

We might ask ourselves, of all the things we can do to help kids in Ontario, why is it that this government settled upon putting guns into their hands? Why is this happening? Very simple. Mike Harris needed votes in a by-election in northern Ontario, so he turned to the gun lobby and he cut a deal. He said, "You give me your support at the time of this by-election, and I'll put guns into the

hands of Ontario children." Was Mike Harris concerned about children's safety? Of course not. Was Mike Harris concerned about public safety? Of course not. All Mike Harris was looking for were a few cheap votes in a by-election. It was shameful, it was cynical and it was wrong, and it's going to prove to be, all too unfortunately, tragic.

Of all the things that we could and must do for our children in this province, surely recognizing that some have a right to bear arms is not one of them. What about the right to quality education? What about the right to attend a school in their own community? What about the right to quality health care? What about the right to be picked up by an ambulance and not be redirected from one emergency department to another because of cuts to hospitals and health care in Ontario? What about the right to grow up free of poverty and abuse and neglect?

Aren't those more pressing rights that we ought to recognize and that we ought to breathe life into in this Legislature instead of passing a law that says 12-year-olds will now be given the right to carry guns? It's clearly a matter of priorities, and this government has the priorities screwed up on this front. When it comes to fighting gun control legislation in the courts, apparently no price is too high for this government. When it comes to giving kids access to firearms, this government simply can't move fast enough, but when it comes to protecting our children, improving their lives, this government is plagued by inaction.

Today, after I've pressed her for over a year, the Minister of Community and Social Services introduced a child safety bill. I've been asking for that for several months, asking her to do more to help protect kids who are growing up living in abuse or neglect or in poverty. It's taken over a year to introduce that legislation, but it took just a few short days to change the law in Ontario to enable 12-year-olds to carry guns.

Over a year ago, I introduced a proposal that I put forward to this government called First Steps. It's a very substantive document that contains 41 recommendations on how we can address the needs of kids growing up at risk in Ontario. Some of the recommendations include ensuring that no newborn child and their mother can be evicted from a hospital ward prior to the 48-hour mark. Today in Ontario most newborn babies and their mothers are evicted from their hospitals at about the 24-hour mark.

It also introduces a new concept in Ontario called family medical leave. It says that parents of children who are sick and who require their attention, parents who have responsibilities in the workplace, will be entitled to take time off work in order to spend time with their children; family medical leave, something that's been on the books of the United States of America for a long time.

We also talk about a universal home visiting program, a program that would ensure that every mother and newborn child is visited by a nurse sometime shortly after being discharged from the hospital just to make sure all is well with both baby and mother.

We talk about the value of junior kindergarten and ensuring that children get everything they need to get

ready to learn in the later years of grade school and high school.

We talk about restoring the welfare cut for poor children. We talk about introducing a children's benefit in Ontario. I know times are tight. There's not a lot of money flowing around. We've picked up a couple of important lessons from Ontarians. The first one we all recognize. Ontarians tell us all the time, "In our houses, if we don't have the money, we don't spend it." We understand that. But there's another important lesson that Ontarians tell us. They tell us that if things are tight at home and there's not enough to go around, and they've got to make a choice between food for the parents and food for the kids, the kids eat first. If they've got to choose between winter boots for the parents and winter boots for the kids, the kids will be clothed to meet the winter needs first.

First Steps also talks about putting kids first in a comprehensive way in government. If this government had a children first policy, if it had a real minister there advocating on behalf of children, with ministerial clout, with staff and a budget, that minister would have been at the cabinet table saying, "There is no way you're going to put guns into the hands of children."

I am very proud of some of the accomplishments of the members of our caucus in meeting the real needs of Ontario children in a positive and substantive way.

Pat Hoy, the member for Essex-Kent, introduced a bill that is going to beef up school bus safety in Ontario to protect children getting on and off school buses as they make their way to and from school.

Mike Colle, the member for Oakwood, introduced a bill that would permit our communities to install red light cameras. If you want to help kids in a real and substantive way, you don't put guns in their hands. Allow our municipalities to put up red light cameras to better protect kids who happen to be crossing at red lights at intersections.

**1600**  
Sandra Pupatello, the member for Windsor-Sandwich, has been working for a long time to develop school breakfast programs, because we all understand that hungry kids can't learn and we all have a responsibility to address that problem.

Joe Cordiano, the member for Lawrence, together with Dwight Duncan, the member for Windsor-Walkerville, introduced an effort in this Legislature to help deal with the challenges of international adoption and Joe Cordiano introduced a bill that put that forward.

Rick Bartolucci, the member for Sudbury, is very concerned about protecting children by putting forward a law that would create tougher penalties for pimps and johns who encourage child prostitution.

Those are real and positive initiatives designed specifically to address the needs of Ontario children.

I'm proud of my caucus, I'm proud of the effort that we put into First Steps and I'm proud of this motion we have put forward here today. Fundamentally, it's all about public safety and it's about making a decision, a rare opportunity in history where we decide what kind of gun culture we are going to have in Ontario and who is going to dictate what kind of gun culture we're going to have in

Ontario. I stand with the 86% of Ontarians who say, "We want gun control." I stand with the police of Ontario who say: "We want gun control. It helps us to do our job better and it helps us to find greater safety in the course of our work."

I am proud to stand in support of this motion. It is my fervent hope that all members present in this Legislature today will stand up and support it as well.

**Ms Frances Lankin (Beaches-Woodbine):** I'm pleased to have an opportunity to participate in this debate today. I think it's an important debate and I want to make it clear that I and my colleagues will be supporting absolutely the resolution that has been put forward.

I want to raise a concern, however, with respect to the approach, and I support all aspects of this resolution, but I know that in Mike Harris's Ontario the government of the day has made it very clear on the issue of gun control and gun registration where they stand. I disagree with them fundamentally but I know where they stand.

It is with regret that I see these two issues joined in the resolution because I know, therefore, the government will stand and will vote against the resolution even though the other very, very important part of this resolution deals with the issue of the government of Ontario policy to put guns in the hands of 12-year-olds.

I suspect there are many members of the Conservative caucus who agree with me and with members on this side of the House that this is one of the most stupid policies the government has ever brought in, is one of the most dangerous policies the government has ever brought in. I suspect they would like to vote with us to do away with this policy, but the resolution before us today, unfortunately, because there are two issues combined, won't afford us that opportunity.

I want to talk for a moment about the government's policy on guns and 12-year-olds because I've asked questions to the minister responsible for children's issues, who has ducked it and referred it. I've asked questions to the Solicitor General because of the statements that the police in this province have made in opposition to the government's policy and he's ducked it and referred it. The Minister of Finance and the Deputy Premier of the day got up and refused to answer the substance of the question and ducked behind a tragic situation that had occurred in Ontario involving the death of a 17-year-old. It was a hunting gun accident involving a 12-year-old or a 13-year-old who had the gun. He hid behind that tragic event not to answer the substance of the question.

The Minister of Natural Resources, who is responsible for this piece of regulation, this new policy, stands up and simply says: "Well, you know, nobody understands. No one in this province understand but poor Minister Snobelen what this new policy is about." I tell you, people do understand and people disagree. The vast majority of Ontarians — you can ask them any number of times in any number of ways — disagree with what the government has done.

The most shallow and crass explanation I have heard from the Minister of Natural Resources, parroted by some brave souls over there, or should I say some fools who



want to pick up that line — and I suspect we might hear it today; I'm looking at the member opposite and I suspect we might hear it — is to say, "We're going to blame it on the federal government," because the federal government has a law which allows permits — they used to be called permits and it's being changed to be called licences — to minors, those being between the ages of 12 and 15. I've got to tell you, this is one of the most crass, made-up defences that I've ever heard from this government.

**Ms Shelley Martel (Sudbury East):** Pathetic.

**Ms Lankin:** My colleague says "Pathetic," and she's right.

The fact of the matter is that the federal government law in place is a discretionary law. It allows for that to happen jurisdiction by jurisdiction. You know what the case was in the province of Ontario, in the jurisdiction of Ontario, before you guys changed this policy? Children under the age of 15 were not given permits or, as they're now called, licences for guns. Do you know why? Because the provincial regulations didn't allow them to hunt. The federal law has nothing to do with restricted weapons. It has to do with shotguns, with hunting guns, and there's no reason to give a permit to a 12-year-old child or a 13-year-old child or a 14-year-old child if the province that they live in doesn't allow them to hunt.

The OPP has confirmed this. Let me find the reference to the police officer who has made it very clear, and I think with some consternation. Sergeant Bill Hocking confirmed — and this is in a CP release so you can all look it up in the files, you can all read it. He made it very clear that despite the federal policy, which is a discretionary policy, police in Ontario have never in practice issued permits to children younger than 15, because there was no legitimate reason to give 12- to 15-year-old children permits. Why? Because they couldn't hunt.

It is your government that has changed that. It is you that has now said they can go out and hunt. The provincial regulation said they couldn't hunt. You've changed the provincial regulation and said they can hunt. Now the police are in a position in which they're going to have to exercise the federal law; they're going to have to use the discretion that the federal law gives them. So don't hide behind that. You've made the changes. You are the government that is putting guns in the hands of 12-year-olds in this province, and it is a dangerous, stupid policy and you should reverse it.

I just feel so frustrated when I hear members of the government caucus stand up and spew this nonsense, hiding behind that federal law. If you want to join with us and lobby to change the federal law, I'm sure — in fact, I'm sure even members of the official opposition would agree with us. I don't think they'd have a problem with that. I can tell you, the members of the New Democratic Party would be prepared to stand up and to say to the federal government that that law should be changed. But we never had to do it before because there was never a government in Ontario stupid enough to want to put guns in the hands of 12-year-olds.

These are kids. These are children, children in grade 6. Imagine: grade 6, grade 7. Please, members opposite, look

at some of the young Ontarians who are here in the Legislative Assembly performing the role and duty of pages. Look at them, because they're about that age: 12, 13 years old. Can you imagine those children with guns, with rifles?

**Mr Bill Murdoch (Grey-Owen Sound):** We are in favour of education.

**The Acting Speaker:** Member for Grey-Owen Sound.

**Ms Lankin:** Sergeant Bill Hocking is not the only police officer who has condemned this government. The chiefs of police of Ontario have said this is nuts. The chief of police in North Bay, in the Premier's hometown — you know, you can't get any closer to the Premier than being the chief of police in his hometown, keeping law and order in the Premier's backyard — said he does not support this policy. He said these children are too young, that 12 years old is just too young to have guns.

1610

**Mr W. Leo Jordan (Lanark-Renfrew):** They have to be with their parent.

**Ms Lankin:** The member opposite says they've got to be with somebody, they have to have a mentor, they have to be monitored. Yes, you know, by someone potentially as old as 18, a teenager.

I remind you about the tragic accident that involved a 12- or 13-year-old with a gun and a 17-year-old who got shot.

**Mr John Gerretsen (Kingston and The Islands):** I want to hear Jim Brown comment on this. What does Jim Brown think?

**The Acting Speaker:** Member for Kingston and The Islands.

**Ms Lankin:** I remind you of that, and you're saying someone just a year older than that, 18, is OK under your policy to be a mentor. I don't even care about that. If you want to provide safety courses, go ahead, provide safety courses.

**Mr Bud Wildman (Algoma):** At 15.

**Ms Lankin:** At the age of 15 make it mandatory. In fact, part of the gun registration laws that you oppose have to do with the mandatory training that goes along with firearm certificates. So we are speaking out of both sides of our mouth on the government side on this issue.

Let me come back to the case at point, which is the children, the children who never before had access to hunting permits in this province, who were not legally allowed to hunt and now can. I don't care how many times you stand and say, "It's not us, it's that damn federal law." That federal law has been in place for a long time and the police in this province never gave permits to 12-year-old kids because they weren't allowed to hunt. I guess I said it a few times, and I'm sorry, I just want to drive home the insanity of this policy.

One has to wonder why the government introduced this by stealth. The Minister of Natural Resources, who in his former portfolio was into making crises in the province and doing it with a lot of noise, very quietly, you know, when no one was looking, passed a regulation and didn't tell anybody about it. We found out about it when the

Federation of Anglers and Hunters made the announcement to their members. Because of course they're going to want to be involved in running these safety programs and, I'm sure, in encouraging all these new young hunters to become members of that federation. I suspect that might be part of what will happen here, just a natural outcome of the decision of the government.

This is a position, a policy change, that they lobbied for, and the minister quietly did it. It appears he didn't even tell the Premier, because when the Premier was asked about it by members of the media, he said, "Oh, no, I know some people have suggested that, but no, we're just looking at that." That was weeks after the regulation had already been passed.

If he didn't tell the Premier, I'm sure the members of the government caucus who are sitting here looking so sad right now weren't told about it, that they didn't know about it. I know, because I have spoken with many of you, that you don't support this in large numbers. I know the member for Scarborough West, for example, the crime commissioner — you know, the commish — is out there wanting to save our communities. I haven't seen anything productive come from him yet, but I know he doesn't think that this is a productive measure. I know he disagrees with this and I know that most Ontarians do.

There was a poll done in Sudbury during the by-election held in the riding of Nickel Belt. It may be that my colleague will address this a little bit in terms of the timing, but I want to talk about the poll that was done because that research poll, when they asked people in the riding of Nickel Belt what they thought — and this is a northern riding with a lot of hunters, a lot of people who support hunting; I'm not opposed to hunting — over 90% disagreed with allowing 12-year-old children to hunt.

They came back and they used all the government's language about: "Yeah, but what if we give them safety training and programs and what if we make sure that they're always with an adult and if they're monitored and mentored by someone who's at least 18 years of age, what if we do all those things?" which, the government seems to suggest, solves all the problems. Do you know what? About 67% said: "Absolutely not. Twelve-year-old kids are just too young."

There is no way you can get around the fact that most Ontarians have a commonsense reaction to this in saying it's nuts. We've got hospitals closing in this province, we've got schools closing in this province, we've got all sorts of chaos in public policy and community services that you guys should be attending to, and what comes out as a priority? Giving guns to 12-year-old kids.

They're too young. They don't have the critical judgment to safely handle firearms, to handle unusual circumstances that happen in the bush. Kids, and maybe others, are inevitably going to be hurt, if not killed, as a result of this policy.

Why? Would someone please explain the "why" of all of this. Not one of you ministers has done that. I've heard them stand up and say, "The federal law is there, so we're just putting in safety programs for those kids." Not one of

them has responded to the fact that the police have made it clear that kids under 15 never got those permits that the federal law allows because they weren't allowed to hunt, and now they will. Not one of you has responded to that. Tell me why this makes sense. For the love of God, putting guns in the hands of children does not make sense, common or otherwise.

**Mr Ted Chudleigh (Halton North):** I want to make it very clear that I support the government's position to regulate young hunters in Ontario. This has become a very misunderstood regulation.

It is evident the honourable member from Ottawa South, the Leader of the Opposition, does not understand the regulation. Either that, or he is feigning confusion to score political points.

It would seem the honourable member himself is responsible for some of that confusion surrounding this issue. Earlier today he spoke about having one message in Ontario. Perhaps he should speak to his caucus, where some of his own members may enlighten him. In fact, the Liberal member for Timiskaming told the Enterprise newspaper in Iroquois Falls that this regulation has great merit. He told the newspaper that the government is legitimizing social norms in the north and added that the regulation requiring official instruction provides young hunters with the same legal guidelines required by older hunters.

Educating Ontarians regarding their government's position should take the spark out of any controversy. While this education of Ontarians is our responsibility, it is also the responsibility of the news media to report the facts accurately. Some have, such as the lead editorial in a recent Toronto Sun, and so I thank them.

The honourable member for Ottawa South and his party should acknowledge our government has not lowered the age for hunting but has in fact put in place tighter regulations in response to actions of the honourable member's federal Liberal comrades.

Given the young hunter issue stems from federal Liberal legislation and the honourable member for Ottawa South —

**Mr Wildman:** Why just lower it to 12? Why not 10 or eight?

**The Acting Speaker:** Order, member for Algoma.

**Mr Chudleigh:** — is apparently opposed to that legislation, it is evident that he should support our government's position.

**Mr Wildman:** How about eight-year-olds? Let's start training them.

**The Acting Speaker:** Member for Algoma, I don't accept that. Please.

**Mr Chudleigh:** It is evident that he should support our government's position for more onerous requirements for young hunters.

Now that we've established that the honourable member really means to support us, and given the honourable member's demonstrated difficulty in distinguishing his policies from our policies, I could call on the honourable member from Ottawa South to cross the floor



and join the government. But I'd probably have to withdraw that since I'm not sure he'd fit into our political positioning.

I can understand the concern of our urban populations. However, hunting regulations are largely a rural issue. The opposition is mistakenly equating hunting regulations with personal and community safety. If all hunting were stopped in Ontario, there would still be urban violence. You cannot equate hunting with urban violence. In not one of your examples of problems with guns was the perpetrator the graduate of a hunter apprenticeship program.

No law or law enforcement will ever stop individuals from breaking laws and doing dangerous things or imperilling society. All we can do is hope to balance the needs and concerns of various segments of society with penalties for breaking the just rules society imposes.

1620

Some people would have us oppose the federal government on the issue of young hunters. In fact, Ontario opposes many actions of the federal government. On this side of the House, we feel it is important to keep the pressure on the federal government regarding unacceptably high employment insurance contributions or cuts to federal health care transfers.

The EI overpayments are killing job growth, while provincial coffers are strained to cover shortfalls in federal health transfer payments, despite huge federal tax contributions by Ontarians. We don't want these serious issues to be lost among concerns we can deal with through provincial regulation.

Therefore, on the issue of regulations under the Fish and Wildlife Conservation Act, we have elected to work within our legislative authority and impose realistic safeguards on young hunters, safeguards we feel are appropriate to Ontario's situation.

It is important to note that most provinces in Canada have minimum hunting ages of around 12 years old. In New Brunswick the age limit is 14, while in British Columbia it is as low as 10 years of age. Robert Paddon, manager of hunter safety programs in BC, called hunting by 12-year-olds a non-issue. He also said there are no controversy or safety problems in BC with youth participating in hunting.

When the federal Liberals committed to allow hunting privileges to 12-year-olds, they picked an arbitrary age in which many children, primarily in rural Canada, experienced hunting first-hand. Recognizing that this age is arbitrary, we determined that passing a written test better reflects the maturity and intellectual level necessary to allow the use of firearms. In addition, the regulations require that young hunters share a gun with an adult who is responsible for direct supervision of its use.

Make no mistake, in Ontario, despite the federal government's wish, 12-year-olds will not be able to carry guns or decide when and where to discharge them. First they must attend a demanding 25-hour hunter appreciation safety program and then pass an onerous written exam. Only at that point will they be able to share a gun with an adult who is strictly supervising the situation.

Frankly, I don't believe that many 12-year-olds could pass that written exam. Those who do will be eminently well-qualified to carry a gun in a mentored situation.

It is important to acknowledge the different needs and concerns of urban and rural Ontarians. It is irresponsible to suggest, as does the honourable member for Ottawa South, that we are putting guns in the hands of children. It is necessary to remember that these regulations have been an accepted practice in Canada for many years and reflect current practices in rural Ontario.

**Mr Alvin Curling (Scarborough North):** My leader, Dalton McGuinty, has put forward a resolution today that I wholeheartedly support. I'm taken aback by how easy it is to support and that other members have problems with it. The previous speakers stated that it's a rural issue, and I can't understand how a gun becomes a rural issue. A gun is a gun wherever it is.

If you put wine in the hands of a 12-year-old, it is illegal. If you put rye in the hands of a 12-year-old, it is illegal. If you put a bottle of beer in the hands of a 12-year-old, it is illegal. But if you put a gun in the hands of a 12-year-old, it is legal. A bottle of beer —

**Mr Murdoch:** We're in favour of education.

**The Acting Speaker:** Member for Owen Sound.

**Mr Curling:** — is not more potent than a gun.

The fact is that many of the members here were talking about quality time. Therefore, a member would never have a bottle of wine or a bottle of beer with his 12-year-old son. I wouldn't call it quality time, but having a gun is quality time.

It's rather interesting. What they're asking is to basically register all the guns. That, even, is a great matter to these individuals. The police have emphatically stated that we would like to know that all guns are registered, but we can't do that.

I remember when I arrived in Canada 30 years ago, if I even wanted to buy, at my age, older than 19, older than 20, a crate of beer, I had to sign my name then and put on my address. But to put guns in the hands of 12-year-olds is quite all right for these members, talking about quality time.

We just had a visitor the other day, Nelson Mandela, and one of his emphases that he spoke very eloquently and very emotionally about was about how young kids are used today to fight wars, that 12-year-olds, 11-year-olds were trained with guns to kill people. The fact is that in the hands of our children today, who need better tools, as Dalton McGuinty said, maybe a spelling book is what they need, very much so. The fact is, putting those in the hands of children is much better, not guns; not guns in the sense that you're talking about, "We're trying to find quality time."

I've spoken to many police officers, excellent individuals who put their lives on the line each day, and they tell me that if they knock at a door, they don't know what is coming next. They don't know who is behind that door. But it would be good to know somehow and understand if there is a gun behind the door, if there is someone who has registered a gun, to know what's coming up.

The fact is that somehow this Conservative government, who cherish doing things for children, if you look at their record, if you look at what they have done to young people in increasing tuition fees, they're going in the other direction. If you look at what they have done in regard to many ways of improving the quality of life for children and you look at what they have done to welfare, cutting off money from mothers who would use the money to help their children, they have taken it away. They have taken away money that is needed to feed children, but they would like to put guns in the hands of 12-year-olds. They find that is a better way to deal with the quality of life. It's pathetic; it's really pathetic.

The member for Scarborough West is always a vigilante about crime control and young people, but while he's doing that, his party is going full blast ahead putting guns in the hands of 12-year-olds. It is hypocritical, the direction in which you are going. It's rather ironic, really, to see that on the one hand you are projecting this zero tolerance of crime on young people and then putting guns in the hands of 12-year-olds. Can't you see that? Can't you see what you're doing? Can't you see the fact that we are educating our children and saying the only quality time that we can have here is to put guns in the hands of 12-year-olds? Yet they couldn't drive a car at 15, 16 or 17. They can't do that, but they can have a gun to shoot.

My feelings, and hundreds of people I've spoken to, are strongly in support of having the kind of resolution that is put forward here by Dalton McGuinty. I strongly support that we should not have guns in the hands of kids, of young people.

My last point I want to make, because my colleagues want to speak and I know we have a short time because this government has limited us and itself, if you look around the world today and find out who is fighting the wars, it's all these young people who have trained in the handling of guns. Canada may not be too far from that in using our young people to do that kind of thing. I'm totally in disagreement with what this government is doing and in full support of what Dalton McGuinty put forward today.

**1630**  
**Mr Wildman:** I rise to participate in this debate, as we all do in this House, wearing a number of hats. I participate obviously as the member for Algoma, an area of the province where the majority of my constituents enjoy hunting and angling as one of their main sources of recreation. I also participate in this debate as a father of three grown sons and a little girl at home, and I want to speak wearing both of those hats.

The vast majority of the people in my region of Ontario are hunters or anglers or both. This is one of the most important sources of recreation for people in my part of the province. We enjoy a tremendous wealth of resources in our part of Ontario, and to be able to participate in recreation using those resources is one of the most important parts of life in my part of Ontario. Ice fishing, snowmobiling, hunting, both for birds, small game and big game, moose and deer, are very important in my part of the province.

It's safe to say that a very large proportion of the people in my part of Ontario do not support universal gun registration; that's quite true. There are a significant number who do, who also enjoy recreational hunting. I fully concede that a large number would not necessarily be in favour of universal registration of hunting rifles. I can also safely say that the vast majority of those hunters or their families think that this policy move by this provincial government is one of the stupidest things they have ever heard of. What we are talking about is the protection, the safety and the security of children.

**Mr Murdoch:** Bud just called the OFAH stupid. I can't believe that. I can't believe Bud Wildman called the OFAH stupid.

**Mr Wildman:** A very large number of the hunters in my area are members of the OFAH, and a very large number are not members of the OFAH. The leadership of the OFAH is in favour of this, but it's never been one of their top priority issues.

**Mr Murdoch:** I can understand that you would call the government stupid, but why would you call the members of the OFAH stupid?

**The Deputy Speaker (Mr Bert Johnson):** Order. The member for Grey-Owen Sound is out of order.

**Mr Wildman:** I do believe the vast majority of the hunters in my area think it is stupid to put this policy into place, particularly since it's not required. It never has been required. As my colleague said, the argument that the federal regulation allows children of 12 to get permits or licences does not require them to. It never has and it still doesn't. It's up to the provincial government to determine what age is the minimum to allow for hunting and to allow for hunter training. It's not the federal government; it's the provincial government. The fact that the federal government allows it to be as low as 12 does not require Ontario to have it at 12, and it never has. We could maintain it at 15.

The Ontario Federation of Anglers and Hunters has been campaigning for this change for some time. It was suggested some years ago that it could be lowered to 14 rather than 12, and frankly I personally would not be opposed to lowering it to 14. It makes sense. At 14, a person in rural Ontario is allowed to drive a snow machine, can drive a tractor on a road. Most children at 14 are in high school, so I wouldn't be opposed to that kind of move. But 12? We're talking about grade 6.

I'm talking about the safety and security of children. Recently in my area, a seven-year-old boy was shot and killed accidentally by an adult who was engaging apparently in target practice in the vicinity of where this young boy was fishing. I suppose it would be improper for me to comment on the foolishness of that — it's still under investigation by the police — but I keep that event in mind.

Also recently, as my colleague mentioned, a young boy who had a hunting rifle was under the supervision of a teenager, who was 17. The gun discharged, and the 17-year-old was hit. That's what we're talking about. We're talking about 12- or 13-year-old children having guns that



are lethal, having weapons that can kill. What we're talking about, inevitably, is the increase in accidents.

The argument that we're going to be training these people and therefore it's going to be safer is just silly. I believe that hunter training, safe gun handling training is important and must be part of a hunter training course, but there's no reason on earth for it to start at age 12. It should start at age 15. If you wish to engage in an argument or discussion about whether it should be lowered to 14, fine, but not for kids who are still in elementary school. It doesn't make any sense.

I want to talk a little about the issue of violence in schools, which I raised in question period today. In urban Ontario, in Toronto, a recent Toronto Star survey showed that one in five students in high school in Toronto feels unsafe. That's a terrible statistic. We have seen an escalation over the years of violence in schools. We all know that there has always been some violence in the schoolyard or in schools. There are always some bullies, some kids that get in fights, and that's a serious problem. But in the past most of these fights did not involve weapons. It's bad enough for one child to be beaten up by another child using his fists, it's quite another matter when weapons are involved.

We've seen what has happened in the United States. The incidents we've seen over the last year, particularly the one in Arkansas, should be an example to everyone in this province of what we don't want to happen in Ontario, of what we don't want to emulate. That child who systematically picked off his classmates and killed many of them and killed one of the teachers was well trained in weaponry, was very well trained. He understood the use of weapons. He knew how to keep himself safe. He also knew how to aim and fire a gun. At his age and his development and maturity — his immaturity — he did not have the kind of judgment that we expect of adults who would be responsible in how they use guns. Why do we want to have this kind of thing happen in Ontario? I don't think anybody does; obviously no one does.

That child in Arkansas was not an untrained kid who didn't know how to use a weapon; the opposite was the case. He was very well trained. He just didn't have the judgment of an adult. Too many adults don't have proper judgment. But why do we want to be giving preteens, children, this kind of training, so that if they get angry at a classmate, instead of just ambushing him in the schoolyard and hitting him, which is bad enough, he may go home, steal his father's weapon and murder the child? That's what happened in Arkansas. I don't want that in Ontario.

1640

I also want to talk a little bit about the far north. I may be treading on some difficult territory here because the Aboriginal nations do not accept the jurisdiction of other governments in determining how they deal with questions around hunting and fishing, with questions around registration of guns, training in hunting and fishing. I understand that. But I also know that accidental shootings and, even worse, suicide is epidemic in the far north. Why? There are lots of theories. If I knew the answer, then I'd

be doing a great service to everyone. I don't pretend to. But I do know some things.

If a child, if a teenager, if a young adolescent has serious problems in Toronto, that child may unfortunately run away from home. They may end up on the street with all the problems involved there. They may, if they're fortunate, get the supports required from social agencies that may help to resolve some of their problems. In the tiny communities of the far north, most of those supports are non-existent. It's not possible for a child to run away from home from Muskrat Dam.

If that child cannot handle his or her problems — it used to be just among males, now unfortunately suicide is becoming just as serious a problem among female adolescents in the far north — in an isolated northern community, they've got nowhere to run. Everybody knows everybody. Sometimes, too often, they see the only choice is destroying themselves.

Bringing in a regulation that suggests that we should be training pre-teens in how to fire weapons will do absolutely nothing to help to resolve those very serious problems we have in northern Ontario and northern Canada.

I'm opposed to what I believe is one of the stupidest, most nonsensical, opportunistic regulations and political moves of a government that I've ever seen. I support hunting. I'm in favour of safe use of firearms and of hunter training. But let's do that at an age when a child has got better judgement. Let's not pretend that we can start training 12-year-olds, pre-teens, elementary school kids in how to use weapons and at the same time not understand that there are going to be more accidents, there are going to be more shootings, there are going to be more woundings and there are going to be more deaths.

**Mr Bob Wood:** I'd like to speak on the long gun registration aspect of this resolution. As the House is aware, the Ontario government is opposed to the registration of long guns, and I agree with that position. It's a proven ineffective strategy to stop criminals from using guns, and we want all the resources fully spent on effective strategies.

The federal government, we're told, has already spent \$134 million on this scheme without registering a single gun. To put that in perspective, in our recent budget Ontario announced a \$150-million program to put 1,000 more police officers on the streets of our province. Once you take into account the municipal share of our program, it means that the \$134 million the federal government is spending on computers could have been spent on 500 police officers, 500 officers to patrol communities in every corner of our province. Five hundred officers are enough to police communities the size of London, Oshawa and Windsor. So far we are talking only about \$134 million. Nobody really knows what this compulsory registration scheme is going to ultimately cost. Will it be \$500 million? Will it be \$1 billion? Will it be more?

I think all members of this House would agree that this money should be spent on fighting crime. Ontario will invest money in police officers. The Liberal alternative is

to use the money to register every shotgun and bolt action 12 in Canada. I think it's obvious which of these two courses is going to have a greater impact on crime. What we want of course is that the money be spent on effective anti-gun measures.

An obvious example of such measures are anti-smuggling measures, and we're not prepared to wait on that. We're already investing Ontario tax dollars in fighting smuggling. A smuggling task group has been set up to develop a national firearms' tracing capability and maintain a centralized database on seized firearms that had been used in a crime.

Ontario is focusing its efforts on tracking criminals, not law-abiding ordinary citizens. By doing so, we will effectively strengthen firearms enforcement and help to combat serious crime. Ontario is of course also fighting the Liberals' firearms registration system in the courts. We believe —

#### *Interjections.*

**Mr Bob Wood:** We might say to those who don't know about this, the law is determined and constitutionality is determined by the Supreme Court of Canada and that's exactly where we're going to go to find out whether this law is constitutional. We have some here who are so expert in this area that they know more than the Supreme Court of Canada does, but we would prefer not to listen to the so-called experts here who know little or nothing about the topic. We would rather listen to the Supreme Court of Canada, and that's exactly what we're going to do.

We believe that the registration provisions of Bill C-68 are beyond the constitutional jurisdiction of the federal government. The matter is of course now before the Supreme Court of Canada. These initiatives, in my view, reinforce the Ontario government's commitment to law and order. They will send a strong message to criminals that the use of illegal firearms will not be tolerated in this province. Anyone who is serious about reducing the use of guns by criminals will oppose this resolution and work to get more resources into effective measures to keep guns away from criminals.

**Mr Gerretsen:** My comments with respect to the last speaker simply are this, that I don't know why they're spending good resources within this province to fight universal gun registration.

**Mr Bob Wood:** Because we believe in the Constitution. That's why.

**Mr Gerretsen:** No, sir, you're challenging the Constitution. You are challenging the Constitution. In any event, I think they'd be much better off if they would simply adhere to the law and set up a system of universal gun registration because I think it will do everyone a heck of a lot better than what the current situation is.

It's already been said that one of the stupidest ideas — and let's make sure that we understand this. This government has had many, many stupid ideas over the last three and a half years. Many of the stupid ideas have been reflected in the state of health care, in the state of education in this province. There is absolute chaos out there. People want some stability in their life. They want to

know if they've got a health problem that they can go to a hospital, that the emergency ward is open and the emergency room is there to assist them.

When you think about it, two weeks ago, and I know we've sort of glossed over it, but two weeks ago we had a situation here in Metro Toronto where 17 out of 19 hospitals weren't able to accept emergency cases in their emergency rooms, a totally deplorably situation and that's all caused by some of the most stupid ideas that this government's come up with. But certainly the most stupid one is the one that in effect puts guns in the hands of 12-year-olds.

I know they're trying to hide it under the guise of it's the father taking the son out and it's a bonding experience. They can do something together. There are many activities that fathers and sons and mothers and daughters could be doing other than showing a kid of 12 years old how to shoot a gun and how to go hunting. I have absolutely nothing against education programs that they're talking about in the new regulation. The education programs should be there. What we're objecting to is the whole notion that they are giving the right to a 12-year-old to in effect shoot a gun. They somehow say, you know, "The gun is shared between the father and the son," or between the adult and the younger person. The point still is, when that gun is being fired, one person does it, and it's either the father or it's the 12-year-old.

#### **1650**

Let's deal with some of the myths. They bring out what they seem to think is a fact that the new federal legislation requires 12-year-olds to be entitled to bear a gun. That's simply not so. The federal legislation does not require the lowering of the hunting age at all. You could have left it the way it was. Don't somehow try to hide it and say, "The federal legislation requires us to implement it for 12-year-olds." You could have left it at 16-year-olds like they did in Newfoundland, for example.

It is also a fact that there's a direct correlation between earlier access to firearms and higher rates of violent death among the people in our society. Take a look at the facts. In Saskatchewan, where they have the kind of regulation that you're talking about by giving 12-year-olds the right to bear arms, you have four times more gun deaths of young people than you have here in Ontario. That's a fact. Read the statistics. The statistics in Ontario are 0.2 firearm deaths per 100,000; in Saskatchewan it's 0.9 per 100,000, or four times that of our province.

You talk about having had extensive consultation before you put in this new regulation. It's my understanding that the regulation changing the age was quietly passed by cabinet on August 14, and then two weeks later Minister Snobelen revealed the details of the program to a group of hunters at a conference in Muskoka. The Ministry of Natural Resources never released a press release on the subject. Where is the consultation? There was absolutely none. There was no consultation whatsoever.

**Mr David Caplan (Orlino):** A desperate attempt to win a by-election.

**Mr Gerretsen:** That's right.



The other myth is that the youth will be required to share a weapon meant for an adult. You cannot share a weapon. Ultimately, whoever fires that weapon is either the adult or the youth.

There's also no requirement that the mentor has any special training whatsoever. It could be anyone over 18. So don't try to sell it on the basis that this is sort of a fuzzy, nice experience between father and son, because there are many other combinations possible as well.

**Ms Lankin:** Male bonding. What we do in the name of male bonding.

**Mr Gerretsen:** That's right. If you want some male bonding, there are many other activities that a father and son can get involved in.

*Interjection.*

**Mr Gerretsen:** What would you do? There are many activities out there other than hunting. You go bowling, take him skating, take him to a football game, take him to a museum, throw a football in a field or something like that. Go fishing. That's an outdoor kind of activity. I'm just absolutely amazed that the member here says, "What else would you do other than go hunting?" I think that says it all. That really says it all. There are other male and female bonding activities out there. You don't necessarily have to put guns in the hands of 12-year-olds.

**Ms Martel:** I have spent a lot of time trying to figure out why this Conservative government did what it did with respect to this regulation with respect to having hunter safety training for 12-year-olds and, in essence, putting guns in the hands of kids. I have thought a lot about it because as I look at other things that we do or do not allow our children to do, this move makes absolutely no sense. There is no rationale for it. There certainly wasn't any public consultation to deal with it.

I've heard the government use any number of excuses as to why this regulation was passed under the darkness of night, behind closed doors, with no public consultation.

The first excuse the government uses is that somehow or other something had to be done as the consequence of this government passing Bill 139 in December 1997, the Fish and Wildlife Conservation Act, which is the act under which this regulation was indeed passed by cabinet. Because I am the MNR critic, I was the member who dealt with Bill 139 during the whole course of second reading, during the one day of public hearings that we had on the debate, and during third reading. I can tell you that nowhere during the course of the introduction of this bill or during the debate on the bill or during the one day of public hearings that we had or during third reading debate did the Conservative government ever once indicate that once this bill was passed, they would use the regulations under that bill to slip this item through — never once.

I went back to Minister Hodgson, who was the minister at the time it was introduced, to his comments about the bill during estimates in August 1997, where he talked about introducing the act. Not once during the course of the debate on estimates and during his opening remarks did he make any reference that the government might have

an idea in the back of its head that they were going to do something about 12-year-olds and guns.

I went to the second reading debate — at that point we had a new Minister of Natural Resources, Minister Snobelen — and read carefully through his remarks with respect to hunting, looking for some indication somewhere in his remarks that the government might do this, and there was nothing. The only thing he said about hunting during that whole debate was, "The Fish and Wildlife Conservation Act will also include provisions to protect from harassment those people who legally hunt, fish or trap." That was it.

I went to the third reading debate, which occurred in this House on December 18, 1997, and the comments by Minister Snobelen. The only reference to hunting or guns or anything like that happened in a section where he said, "We amended section 13 of the act to clarify the prohibition on harassment of people who are legally hunting, fishing and trapping." No indication whatsoever that the government had in the back of its mind an intention that they were going to use the regulations under this bill to move to what we see today, this public policy that allows hunter training for 12-year-olds and, in essence, puts guns in the hands of our children.

I can tell you that if the government had done that, the one single day that was set aside for public hearings would have had many different speakers, and it wouldn't have been one day of public hearings, I can assure you of that, because people in this province would have come out to have an opportunity to have their say. I suspect the government didn't indicate that because the government doesn't want to hear from people on this issue, because the government would find that people think what this government has done is bad, bad public policy.

The government has also tried to say that they had to bring in this regulation in order to conform with the federal law, a law which allows different categories of gun permits for minors. As my colleague from the Beaches and my colleague from Algoma have already said, and as has been pointed out by members of the Liberal caucus, the federal law is discretionary. There is nothing in the federal law which forced this Conservative government to make any change around hunting age. There is nothing in it that forces the Ontario government or the police now to make any change with respect to permits and the age at which you give those to children. So that is a completely bogus, ridiculous argument. Frankly, it's false. There is nothing, absolutely nothing, in the federal law that forced this Conservative government to take the action it did, so that doesn't work as a very good excuse either to bring it forward.

**1700**

I've heard people say and the minister has said a number of times in a number of public comments about this when interviewed by the media, "We're doing this because it responds to the tradition that's out there of time that people spend with their children." No doubt there is a tradition of fathers in particular spending time with their sons in the bush.

But you know what? There is also a tradition of people driving their children to the hockey game, to something that's going on at school, any number of weekend excursions. Would anyone in this House then suggest that we should be allowing 12- and 13- and 14-year-olds to drive as long as they're supervised by a parent in the family van? Of course not. Would any one of us then suggest that we would allow 12- and 13- and 14-year-olds to sit in a bar and drink as long as they're supervised by an 18- or 19-year-old? Of course not. Our 12-, 13- and 14-year-olds can't vote in the province of Ontario. Is anyone suggesting that we allow that to happen as long as they're under supervision of a parent or someone over 18? Of course we are not.

There are any number of traditions which reflect time that parents spend with children, time that adults spend with minors, but on any of those other items where we have very strict age limits with respect to those activities, no one is suggesting that we should change those other things to allow for much more activity, either for driving, drinking, voting or anything else. So I think that's a bogus argument too. I think it's ridiculous. There are any number of people, it is true, who hunt with their kids, but to suggest that's the only tradition we should change the law for is just ridiculous.

I compared what happened here with what our government tried to do around driving, because we were concerned about young drivers. We were concerned about the number of accidents and the level of them in terms of seriousness that were occurring in this province.

So our government entered into a very extensive public consultation with people around the province with respect to graduated drivers' licences. Over a two-year period, my colleague from Lake Nipigon, who was the Minister of Transportation at the time, had extensive public debate with members of the Canadian Automobile Association, with insurance companies, with representatives from MADD — Mothers Against Drunk Driving — with any number of parent groups, of school groups, of those groups that provide driver education training to determine what would be the best and the safest program we could put in place to ensure, when young drivers got behind the wheel of the family van, that they had the best training and that we were comfortable with their level of maturity and their ability to carry out that activity.

Contrast what this government has done with 12-year-olds and guns with the requirement that we have in place in this province for 16-year-olds to get a driver's licence. If you are 16, or at any age that you want to get a driver's licence, but you have to be at least 16 years of age, you have to pass a vision test to ensure your eyesight meets provincial standards for drivers; you have to pass a written test of knowledge of rules of the road.

Level 1 — that's the first part of getting the licence — lasts 12 months. If a new driver successfully completes an approved driver ed program, the period could be reduced to eight months. But level 1 drivers cannot drive if they've been drinking; must have only one passenger in the front seat; must limit the number of people in the back to the

number of seatbelts in the back seat of the vehicle; unless accompanied by a licensed driving instructor cannot be on 400-series highways with posted speed limits greater than 80 kilometres; cannot drive between the hours of midnight and 5 am; and also can voluntarily set a sign in the car that says they are a young driver, indicating their new-driver status.

Level 2 of the program, still to get a driver's licence in this province, lasts a minimum of 12 months, and again you cannot drive if you've been drinking, the number of people in the vehicle are limited to the number of seat belts and you can only drive a class G vehicle.

After completing those two levels, which could be a minimum 18 months but up to two years, then you have full driving privileges in Ontario. That's what we did to try and make our roads safer. That's the kind of change we did. The public consultation on that and the development of the bill and the passage were a process that lasted almost two years. This government had no public consultation with respect to reducing the age for safety education to be provided to 12-year-olds, and in essence allowing 12-year-olds to have guns. There was absolutely no public consultation whatsoever.

When the minister was at a conference of the Ontario Federation of Anglers and Hunters in February, he mentioned that he hoped he would soon be able to introduce a hunter apprenticeship program right down to people as young as 12. That was the first announcement. The second announcement was that it was done; that the regulation was passed. The minister made that announcement to a hunting conference that was held in Bracebridge at the end of August — zero public consultation; zero public input. This group didn't hear from anyone except the Ontario Federation of Anglers and Hunters, who we all know have been lobbying for this for a number of years. But the government chose not to talk or listen to anyone else, any other group around this very important public issue.

If the government had had some consultation, they might have found that their own backbenchers had some serious concerns about what was being proposed. The member for Kitchener on Wednesday, September 16, in the Kitchener-Waterloo Record said, "I think it's a dumb idea." In his constituency office on the day that this was announced, 25 people called to oppose the legislative changes and his constituency assistant said as well that this member was going to be talking to his cabinet colleagues about his concerns around this change. When Jim Brown, the crime commissioner, the member for Scarborough West, was up in Sudbury when this became a public matter and he was interviewed by the CBC on September 17, he said, "I don't like that idea of giving 12-year-olds guns." I'm not sure what he's going to do about it, but he certainly had concerns.

I suspect there are a number of members of the Conservative Party who feel just as uncomfortable as the member for Kitchener and the member for Scarborough West. But did any of you have a chance to comment? Were you asked for your input? Were you asked if you



had concerns? Of course not. This was done behind closed doors, under cover of night, with no public consultation, no respect for the many concerns that would be out there from groups of all ages and all sizes and right across this province — none.

That is the worst part about what has happened. That this Conservative government could think so little about the public's reaction and the public's concern with respect to children and guns that they wouldn't even have any kind of public consultation process is the worst part about what happened here. The contempt you have shown the Ontario public by proceeding in this way is unbelievable. Shame on you for proceeding in such a manner.

1710

At the heart of it, I think what really happened here — because you have to discount that somehow this had to be done because of federal legislation and you have to discount that somehow this was attached to what the government was doing on Bill 139 — the timing of this had everything to do with the by-election in Nickel Belt, absolutely everything to do with that election campaign. It is no secret that the Conservative candidate in Nickel Belt is a past president of the Ontario Federation of Anglers and Hunters, and it certainly wasn't any surprise that the first person who was interviewed when this announcement was made was not even the minister, but it was the Conservative candidate saying how delighted he was with this change.

Let me tell you I canvassed in Nickel Belt that same afternoon and evening after this became a public matter, in a riding where many, many people hunt and fish, and that's the same as my own riding of Sudbury East. In the 20 doors that evening at an hour where there were people home, four people stopped and said to me on the spur, out of the clear blue, without my asking: "I think what this government is doing on 12-year-olds and guns is nuts, is ridiculous. Look what's happened in the US. Do we really want something like that to happen here?"

Two of the four families hunt and fish regularly and they were quite open and forthright about telling me that, but they too thought it was nuts. They certainly couldn't believe that at a time when people have enormous concerns about health care, when people have enormous concerns about the quality of education for their kids, when people have enormous concerns about how they're going to pay tuition for their young adults, this issue of 12-year-olds and guns could be the priority of this government.

I think what happened is that despite everything the government tried to do in Nickel Belt, because certainly the caucus was there and we saw ministers of the crown who haven't been there since the Tories were elected, they all trooped into Nickel Belt during this election because they were trying to win that seat. You know what's happened? You've implemented this bad, bad public policy and you didn't even win Nickel Belt.

What was the point of all this? Why did you refuse to have any kind of public consultation, public input on a matter that is so important to people across this province?

Why did you do this under cover of night, under cover of darkness, after a meeting with OFAH, who's lobbied for this for years? I understand that. Why didn't you listen to anyone else? Why didn't you have a public debate? What you've done is bad public policy, and I believe the majority of Ontarians do not agree with you.

**Mr Toby Barrett (Norfolk):** It's a pleasure to describe how my thoughts as a gun owner, farmer, teacher, Scout leader, hunter and conservationist differ from the member for Ottawa South, Liberal leader McGuinty, an Ottawa lawyer. It surprises me that he advocates against parents teaching their boys and girls about firearms until they're in their late teens. I was taught to respect firearms and all wildlife long before I reached my teenage years. Like most teenagers, I then stopped listening to my parents because I thought I knew everything.

My goal today is to explain the importance of safety training for boys and girls at a young age, in this case hunter safety for ages 12 and up. I will explain this through the eyes of a 12-year-old. In 1958 I kept a diary which I have brought with me; in 1958 I was 12.

The Liberal opposition will have you believe that providing safety training to young people even as young as 12 is a new thing. However, in 1958 I received six nights of gun safety training when I was 12, plus several hunting expeditions with our instructor, Sam Ottley, and this included practical experience with both 22s and air rifles. I wish to read from my diary:

"February 2, 1958, Sunday.

"I woke up at 6 o'clock. We saw in the paper that somebody was going to teach the Scouts how to handle a gun. At Sunday school" — I'll end here. It goes on about my friend and, at that time, future hunting companion getting in trouble for talking too much in Sunday school. I'll name my friend, Robbie Varey, a good hunting companion.

In my diary I kept a newspaper clipping from the Port Dover Maple Leaf in that year, 1958, and I wish to quote from the Port Dover Maple Leaf.

"The third in a series of six classes was held last night in the Sea Scout hut, being sponsored by the Port Dover Rifle and Pistol Club.

"Lectures and demonstrations are being given by instructor Sam Ottley, president of the junior club of the rifle and pistol association and are carried on for one hour during the regular weekly meeting of the Sea Scouts....

"The 19 scouts participating are taught proper gun handling as related to hunting, as well as basic information about ammunition and guns, especially as applied to their safe use; sportsmanship is also included...."

In an interview with the Maple Leaf, Mr Ottley reported, "The sole aim of this course...is to give these boys basic information which should enable them to avoid hunting accidents."

"At the conclusion of the course, the boys successfully passing the tests," in the winter of 1958, "will carry an Ontario Department of Lands and Forests hunter safety training program certificate of competence...."

"In 1956, said Mr Ottley, 78 fatal shooting accidents were reported in Ontario, all of which could have been avoided with proper care and precaution. These classes, which are being held in many parts of Ontario, are being organized to eliminate any such accidents in the future."

Again, I'm referring back to 1958. This Boy Scout program taught me gun safety not only in the field but in the classroom and how to avoid accidents.

Judging from the statistics, hunter education in Ontario has been doing a good job. In 1960, there were 154 hunting-related accidents and, unfortunately, 36 fatalities. In 1994, we were down to 23 accidents and zero fatalities. In each of 1996 and 1997, there was only one fatality. Now, even one life lost due to neglect of safety precautions is one too many.

Most recreational activities are statistically more dangerous than hunting. For example, there are more injuries in sports like football, baseball, fishing and golf. The mortality rate is higher for home accidents, cars, poisoning and falls. The assertion that hunters and hunting are dangerous is false, and the figures, if anyone cares about the facts, prove it.

In spite of what the anti-gun, anti-hunting crowd or misinformed urbanites say, when hunters are trained in safety measures, hunting is a safe and enjoyable pursuit. Although they likely won't admit it, what we are seeing today is another attack by Liberals on the rights of law-abiding citizens.

I've watched this debate in the media regarding 12-year-olds being able to participate in the hunter apprenticeship safety program. Just to clarify, we are not allowing 12-year-olds to own guns, we are not allowing 12-year-olds to purchase guns, contrary to what some people have been saying. Young hunters enrolled in the safety program will share a gun with their mentor, with their parent or with a safety instructor. They can only possess a firearm when accompanied by a licensed hunter over the age of 18, and they must have their parents' written consent.

The safety program takes 20 hours to complete, followed by a written test conducted by the Ministry of Natural Resources. There is also a practical exam. This course isn't easy, and again, I wish to repeat, the emphasis is on safety.

So often we see Mr McGuinty, a leader without a cause, pick up his favourite issue for the week and take shots at the government without any regard for the facts. I've spoken in this House on the federal government's gun control bill in the past, and my colleagues are slowly making the opposition aware of the fact that Bill C-68 will not help control crime. It will increase bureaucracy, red tape and fees for law-abiding citizens.

This opposition to our new hunter safety and apprenticeship program is using fearmongering and undermines safety. Hunter safety is no accident. It takes training and practical experience.

Let's go through a few facts. We know that there are people out there learning to hunt with experienced hunters

at early ages. Ask people who learned from their fathers, like the members for Grey-Owen Sound or Simcoe East or Brant-Haldimand. We also know that handling firearms is dangerous if one is not trained correctly. Another thing we know is that hunting requires a great deal of skill, plus knowledge of the area, knowledge of weather, the proper clothing to wear, knowledge of the animal being hunted.

Finally, we know that the federal government has enshrined in legislation, through Bill C-68, the fact that a minor's hunting permit can be issued to people beginning at the age of 12. In fact, subsection 8(3) of Bill C-68 reads:

"An individual who is 12 years old or older but less than 18 years old is eligible to hold a licence authorizing the individual to possess, in accordance with the conditions attached to the licence, a firearm for the purpose of target practice, hunting or instruction in the use of firearms or for the purpose of taking part in an organized competition."

It is the federal Liberals' regulation that is responsible for allowing a gun permit to be issued to youths as young as 12 years of age. The federal government allows 12-year-old kids to shoot. In Ontario, we will teach them to do it safely.

In British Columbia the minimum age for hunting is 10; in Alberta 12-year-olds can hunt birds with guns and wildlife with bows and arrows. It really seems to be a non-issue in these provinces, so why all the fuss in Ontario?

Some reasons: Small portions of Ontario have been urbanized and views on guns and hunting have changed. In rural areas like my riding of Norfolk, hunters, farmers and others see guns as tools. In urban areas, city folk have been conditioned to see guns as instruments of crime. It doesn't matter whether that gun is an illegal military-style automatic pistol or a shotgun that a farmer uses to protect his flock of chickens or crop of corn.

Hunter-conservationists, as well as collectors, farmers and sports competitors, are being vilified by this Liberal resolution. Hunters, for example, come from all backgrounds: doctors, accountants, steelworkers, priests. Each year about 400,000 people venture into the field to hunt in our province. Tolerance is the key word here. The word means to be open-minded and tolerant of the lifestyles of others. It seems that this word doesn't have much meaning when Liberals talk of hunters and farming and shooting competitors.

Apparently the Leader of the Opposition thinks that the hunter apprenticeship safety program is a bad thing. Has he talked with people who actually do the hunting, people like the Ontario Federation of Anglers and Hunters, people who are members of Ducks Unlimited, and has he come up with alternative measures to ensure hunter safety?

One of the key benefits of the apprenticeship program is the amount of time that a father or mother and their young son or daughter get to spend together. I remember when my father took me hunting and explained the importance of handling firearms safely. I was taught to



load my gun only when I was ready to shoot, how to be sure of my target and how to be a good shot. I learned to cross a fence safely and not shoot at water.

Since that time, I have been blessed with accident-free hunting. I believe that everything, and hunter safety habits are no exception, is best taught when you are young and willing to learn. I know that I paid more attention and was more likely to inculcate the values of my father when I was 12 years old. By 16, my thoughts had turned elsewhere, to thoughts of cars and girls.

I wish to read a letter that the Minister of Natural Resources has received and was later printed in *Toronto Star*. It was written by a lady named Rosanne Ellis from Havelock, Ontario. The letter starts, "My 14-year-old daughter and I have just attended the hunter safety apprenticeship course in Havelock taught by Randy Sayles."

In describing Mr Sayles, Ms Ellis writes: "He's an experienced hunter and taught us from a hunter's perspective. He actually showed us how to clean a grouse, sharpen our knives, clean our guns etc by doing it. He didn't just read out of a book how to do it. Most important, he conveyed the importance of hunter ethics and respect for wildlife."

She goes on to tell us, "The past week and a half has been fun for my daughter and me and we have drawn closer together through this apprenticeship course."

Letters like this, from real people who have participated, are a better measure of this course's merit than the fear-mongering of the Liberals.

Reading from the resolution, "Whereas the Ontario Liberal Party believes that it is more important to put books, not guns, in the hands of children," I also believe that it is of critical importance to get books in the hands of children, and that's why our education minister has announced a tremendous amount of additional textbook funding this spring.

I can also reference my diary as a 12-year-old. After hunting I would do chores, and when it was dark there was still lots of time to read, and I have a fairly extensive list of books that I read that winter as well. Hunting didn't get in the way of reading books.

Reading from the resolution that we are debating today, I see that Mr McGuinty states that "there has already been a fatal shooting involving a 13-year-old child since the Harris government lowered the age." This indeed is a terrible and heartbreaking story. I cannot believe the member would use this tragic story for his and his party's gain. The families involved can only watch and shudder to think that the member for Ottawa South needs to latch on to this type of tragedy in order to find an election platform. However, this tragedy only underscores the need for training of our young hunters in safety measures.

Forty years ago, I and my fellow Scouts were told that we should take the gun safety course because at that time, back in 1958, a Scout had been involved in a gun accident.

**Mr Dominic Agostino (Hamilton East):** I'm pleased to join the debate in full support of the resolution put forward by my leader, Dalton McGuinty.

When I first heard about this, when I first heard the news reports on this, I thought it must have been a mistake because I didn't recall any debate in the Legislature on it and I didn't recall any bill being introduced. I thought that somebody had made a mistake; it can't be true. There's no way that this government, as Reform-minded and right wing as it is, would even for a second think of the idea of giving 12-year-old kids guns. It's just absolutely bizarre.

People have talked about it. Twelve-year-olds can't drive a car, they can't vote, they can't drink alcohol, they can't smoke, but in Mike Harris's Ontario 12-year-old kids can carry guns. Think about it. Give 12-year-old kids the right to vote. They can't kill anybody with that. They can't kill anybody with the right to vote. But, good God, they can kill somebody with a gun.

In view of what we're facing today, in view of the overwhelming evidence — stricter gun controls; gun registration works; we've seen the crime stats that have dropped and the police have attributed that to tighter gun control regulations in this province and in many areas across Canada — in light of all the overwhelming evidence that says gun control works, this government first of all decides they're going to challenge a gun registry because they don't think it's appropriate for police to know who has guns in this province or in this country. They think it's okay for police officers to walk into a home and be blindsided, not knowing if someone there has a gun. The Conservative Party thinks that's acceptable.

Are the chiefs of police wrong? Are the OPP in this province who have said they don't agree with this legislation wrong? Are the men and women responsible for putting their lives on the line every single day for law enforcement in this province wrong when they say it's not a good idea to give 12-year-old kids guns? Are they wrong when they say it's a good idea to register guns so they know what home they're walking into and what the situation is? But not according to this government.

1730

Is this part of the ongoing Americanization agenda that we see here? You've done it in health care, you're doing it in education, now you want to move to gun control. Let's go at par with Arkansas or even Texas. There are towns in Texas where 98% of the residents carry a gun. The Tories think that's probably a good idea. We're going to give 12-year-old kids guns.

Just think about it for a second. Put the political partisanship of this decision to a private vote and I think most government backbenchers would not agree with it. Most government backbenchers, if they were given a free and private vote on this issue, would understand how bizarre it is and would not support this. You pretend you're tough on law and order. You talk the talk on young offenders. You've got your crime commission. Even your head crime commissioner there thinks it's a lousy idea. I'm sure the Solicitor General thinks it's a lousy idea to give 12-year-old kids guns. He is the man responsible for the OPP in this province and they think it's a lousy idea, but for some reason the Minister of Natural Resources thinks it's a great idea to give kids guns.

This is something that comes out of the Preston Manning era. This is something that is back to the good old days of cowboys flying around with their guns and having wonderful shootouts. This is Ontario, folks. Most people are appalled at the fact that this government would think it's a good idea for 12-year-old kids to have guns, to go hunting or do anything else with them. Most people are absolutely shocked that you would do this, that you wouldn't think this is silly and outrageous.

These are 12-year-old kids. We're talking about the kids sitting in front of us, those wonderful young men and women who are sitting in front of us as pages. As wonderful and responsible as they are, would we want to give them a gun? Would we want to give any 12-year-old in this province an opportunity to carry a gun? Think about the maturity. Think about the horseplay that goes on, the level of responsibility. Kids are kids. They're 12-year-olds.

But then you say, "It's OK because an 18-year-old has to be with them." That is nuts. As the member mentioned earlier, you won't let a 12-year-old drive a car with an adult, you won't let him in a bar, you won't let him vote with an adult but you think it's OK for him to carry a gun. I say to my colleagues, come to your senses, do the right thing, do the responsible thing: Enhance safety in this province; take guns away from 12-year-old kids.

**Mr Murdoch:** I'd like to speak on this subject for a few minutes. It basically boils down to the fact that there are two resolutions in this resolution. The first one is about our safety courses for 12-year-olds. It's very obvious that the two parties across the floor do not understand this regulation at all. They have no understanding. From the rhetoric we've heard from them, they don't understand at all that this is about education. It's about educating our young people so that accidents won't happen. We hope that accidents don't happen. There always will be some, but this will help our younger generation grow up understanding guns. They don't understand at all and it's just appalling that they don't understand these kinds of things.

Second, the last half of this resolution put forward by Mr McGuinty from the Liberals — and it's amazing that these provincial Liberals want to get into bed with their federal cousins. Listen to what they have here: "Be it further resolved that the Harris government end its fight against universal gun registration by working with police and the federal government to fully implement the federal gun registration law in the province of Ontario."

These guys have gone to bed with the federal Liberals. There's no doubt in my mind. This registering of guns will cost this country of Canada millions of dollars, dollars that could be spent in putting more police on the streets to protect our citizens.

This is a futile attempt by the federal government to eventually take our guns away from us and our provincial Liberals have gone to bed with them. Can you believe that? I'm shocked at it. I don't know what happened to them but that's fine; that's what they believe. They believe in the registration of our guns, and I heard a couple of the

members over there say — mind you, the ones I've heard from are mostly from the urban centres — that they believe that now our police forces will be much safer because when they go to a home, that they'll be able to push it up on a computer and know who has registered guns. If they are that stupid to think that criminals are going to register guns, then there's something wrong with that party.

Then both parties over here had the audacity to say the OFAH is stupid. They called one of the best organizations in this province stupid. I find that appalling. I thank you for giving me this time. God save the Queen.

**The Deputy Speaker:** Further debate?

**Mr Bernard Grandmaître (Ottawa East):** Mr Speaker, I am in no shape to argue but I want to be on record that I support this resolution.

**Mr David Tilson (Dufferin-Peel):** I'd like to speak to the resolution. The resolution has two aspects to it, one to do with the hunter apprenticeship program and the other to do with supporting the federal Liberal legislation system, which is Bill C-68. I will be addressing my comments strictly to Bill C-68.

I represent a semi-rural area in Caledon and Dufferin called Dufferin-Peel, and there are a number of anglers and hunters in that area. In fact just up the road there's a club called the Anglers and Hunters Club whose members do a lot of recreational shooting, hunting and fishing, and many of their programs are aimed at safety for people of all ages.

The resolution that's before us today talks about an Angus Reid poll and says, "Whereas a recent Angus Reid poll shows that the following people supported universal gun registration...." I took the trouble of finding that Angus Reid resolution — which wasn't so recent; it was 1996 — in which 1,500 people across the country were polled, and that isn't what the resolution said, that isn't what the poll said. It's the usual Liberal trickery in putting this resolution before the House with respect to this very important issue across this country.

What they did was ask questions with respect to the new gun control legislation, quite a different matter from dealing with the issue of gun control. Everybody in this place, everybody in the province, everybody in the country supports gun control. Certainly the members in our party support gun control. We support those provisions of Bill C-68 that enhance public safety, such as limiting access to certain kinds of weapons and severely punishing those who use a firearm to commit an offence. What we're opposed to is this silly notion by the federal Liberals which their puppets here in Ontario have adopted, and that is to register every long gun and that's going to solve all our criminal problems in this country. It's a stupid notion.

To date, the Liberal government in Ottawa has spent \$134 million on this scheme and they haven't registered one gun. Can you imagine what they're going to spend when they start registering guns? I guess the question my colleagues on the government side have been asking is, "Is that really going to solve the problems of crime in this province?"



We had a tragic story in the paper just recently where some young man took his father's gun. His father was a police officer. He took his father's gun to school, and someone stole the gun. That matter is still before the courts and it's a young offender situation. That's a sad story, it's a tragic story and an unfortunate story, but the gun registration that those characters up in Ottawa want to put forward isn't going to solve those tragedies.

When you look at the statistics that have come out on gun registration — I might add that handgun registration in this province has been in existence since the 1930s — handguns account for 68% of all weapons used by criminals. More than 70% of handguns used by criminals have been smuggled into Canada, mostly from the United States. What's the federal government doing to stop this smuggling of illegal guns? What are they doing? We know they're spending, what did I say, \$134 million on this silly registration system when the facts still come out that say that all these guns, 70% of the handguns used by criminals, have been smuggled into Canada from the United States. I think we all acknowledge that there's a problem with guns, but that isn't the way to do it.

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The registration of firearms isn't the problem; smuggling of firearms is the problem. The federal government already has a variety of methods at its command to reduce smuggling but it chooses not to use them.

For nine months in 1992 and 1993, Ontario ran a police operation called Project Gunner in which undercover police officers purchased illegal guns from individuals who make a living selling weapons to criminals. Sixteen of the 17 weapons purchased were smuggled into Canada from the United States. The other one was stolen from a Canadian home. I'm reading from an article that was prepared by Christina Blizzard, who always researches her topics well, and this is one of the facts that she has determined, facts that I believe came from the RCMP. She went on with a number of other facts, but talks about how the paperwork generated by registration would take between 10 and 15 police officers off the streets and put them behind desks shuffling registration forms.

That's what this is going to do. We know for a fact that it's not going to solve crime in this country. The registration of guns is not going to solve crimes in this country. We're going to create a bureaucracy, when the money that's going to be used for that bureaucracy could instead be spent stopping illegal guns from coming into this country and passing laws federally, under the Criminal Code, that if you rob somebody using a gun, you're going to have the book thrown at you. But no, not the Liberals. They're simply going to register guns. They're going to register long guns and that's going to solve the problem.

My friend from Oshawa, Mr Ouellette, who is much more informed on this topic than I am, is going to speak for our caucus. I'm going to close by simply saying that I'm not going to support a silly resolution from the Liberal Party which simply supports their cousins in Ottawa to pass a stupid law which registers guns which nobody wants.

**Mrs Sandra Papatello (Windsor-Sandwich):** I'm very pleased to be supportive of a resolution that is going to take, if passed by this House, guns out of the hands of 12-year-old children.

I noticed with interest that while the majority of the resolution deals with a regulation change that this government made to the laws of Ontario that allowed children as young as 12 to handle and fire guns, I haven't heard anything from the Conservative caucus dealing with that specific regulation.

I want to tell you that I was in Nickel Belt the day this story broke. I will say to you that you have so politicized the issue that you chose not to send out a press release as though this were somehow about safety among kids. No, you released this in a little meeting between your Minister of Natural Resources and your hunting friends in the north, something that some members of the hunters and anglers had been asking for for a long time. It's certainly not representative of their whole organization.

You decided just to let them know, "This is what we've managed to do for you," in hopes that it might help your Conservative candidate in a by-election in Nickel Belt. Well, it certainly didn't help that candidate in the Nickel Belt by-election. In fact, we only were aware of it because the ministry's own offices leaked that information. We were able to get hold of the e-mail that had been sent out from the minister's office that told only the caucus: "Here's a little bit of information. Just tell these certain folks because it's likely going to be misunderstood by the balance of Ontario."

Misunderstood? We understand very well exactly what this means. This means giving 12-year-olds the right to fire guns, and that is completely within the purview of the Ontario government, just like every other provincial government has the right to determine that age. This government elected to lower the age.

My big question today is, where are your crime commissioners? Where is the crime commissioner from Scarborough who is out talking about safety when we are in the House talking about not having guns for 12-year-olds? Where is that crime commissioner? I want him here in the House voting in favour of this resolution.

I want to know where the Minister of Health is, where the Minister of Community and Social Services is. Where is the minister for children on this issue?

When this regulation change came before your cabinet in 1997, it was quickly sent back for further study because you knew the ramifications. You knew this was not going to be good for kids in Ontario. Why was it suddenly slipped back in a backhanded manner so that your cabinet ministers who might have fought this wouldn't have the opportunity to do so? That's what this government did.

How was your caucus discussing this resolution this week in your caucus? How were Conservatives looking at this? Are you telling me that the minister for children in Ontario would have been in favour of lowering the age to 12? Please don't tell me this.

You have the Comsoc minister today stand up and announce stronger protection for children, and today we're

discussing a resolution that would not allow the regulation change to allow kids as young as 12 to handle guns and shoot them. We haven't heard from that minister, and we haven't heard from the minister for children.

That, my friends, is the real face of the Mike Harris government. You're not the least bit interested except when it's politically expedient for you to make those kinds of changes for some people.

The people of Nickel Belt were very clear. I called a member of the hunters and anglers in Nickel Belt when we learned of the change. I said: "What do you really mean by this? Could you be in favour of this?" This is what he told me: "This is the stupidest thing I have ever seen the Mike Harris government do." That, from a member of the hunters and anglers in Nickel Belt.

I ask you, who was asking for this? Every mother I have talked to since thinks this is ludicrous, has a look at her own child in grade 6 and says, "My child is not ready to fire a firearm."

Do not give me the excuse that this is part of a family experience. Children as young as 12 can go hunting with adults since the beginning of time. The fact that they are not shooting the firearms themselves takes nothing away from the family experience of a hunting outing.

You should have been more responsible to the children of Ontario. Forget your excuse of it being for education. This was purely political. In fact, you saved this change. You should have made it last spring if it was for education, so these 12-year-olds could have at least gone through the course before the hunting season opened, but you announced it on the day the season opened instead. Totally political, completely wrong for children in Ontario. Most parents agree with us, and we expect the Conservative MPPs to stand up today and vote in favour —

**The Deputy Speaker:** The member's time has expired. Further debate?

**Mr Jerry J. Ouellette (Oshawa):** I look forward to the time remaining, a little bit over 11 minutes, to try and answer the questions that have been brought forward.

First of all, just so people understand the process, I'm going to try to respond to the issues as they were brought forward from the members, and I'll start with the first speaker, the leader of the official opposition.

One of his first statements dealt with the 86%, supposedly, that support this, the statistics. Statistics, in reality, in Canada can be used in any fashion. If you're asked the question, "If a prisoner who has just been arrested for armed robbery has been released, would you think it's OK to give them a gun?" a majority of the country would say no. That's crime control. Those are statistics and how they're used in these sorts of fashion.

I'm going to be going around a little bit to quite a few different issues.

As a matter of fact, I spoke with parole officers out of Ottawa. One of the biggest problems they're seeing is with the criminals who are coming in, convicted individuals who have used firearms in incidents. The parole officer asks why they are using a firearm, and the response

very specifically is that, when it comes time for court, "If we're caught, the weapons offence is always thrown out. So if it's going to be discharged and thrown out at that time, why wouldn't I use a gun as opposed to a knife or something else?"

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Realistically, the problem is the fact that the firearms laws are not enforced. If the courts were to follow through on what's taking place, and when the federal government was asked to follow through with stiffer sentences for the misuse or the criminal use of firearms, there would be a lot fewer incidents if somebody knew that they were going to 20 years for the use or implied use of a firearm right away. But the Liberal response at that time very specifically was: "We don't want to put people in jail for that long. Do you know how much that would cost us?" Do you know what the cost is to society when those things don't happen?

They also spoke about the number of firearms available. Why is it then that in the province that has the highest per capita firearms per household, which happens to be Newfoundland, firearms misuse is the lowest incidence in Canada?

I have no reason why nor can I explain it, but that is the statistic. The province with the highest per capita firearms to households ratio has the lowest incidence of criminal or misuse of firearms anywhere in Canada. I might add, that happens to be Liberal Newfoundland.

A number of members mentioned the incidents taking place in the United States. Certainly we do not in Canada by any means endorse or support or look to those views at all. But realistically, we have other provinces, such as British Columbia, as was mentioned earlier on — 10 years old — Manitoba, Saskatchewan, New Brunswick, Nova Scotia, and very clearly those provinces have those younger age limits now. Yet we don't hear of any incidents out there, and I might add, New Brunswick and Nova Scotia happen to have Liberal governments.

I'm just trying to very specifically answer the questions that were brought forward. Also the Liberal leader brought forward about stand in support of the police. It just so happens that this morning, this very morning, I was with the deputy chief and the chief, and both of those individuals actually support the move that the province has taken.

We can go along to different organizations and get different positions; however, from the policing perspective, the thought of registering firearms — Allan Rock, when he was doing his provincial tour, when he was in Saskatchewan, he asked a question, "Would it not be helpful for police officers to know when they knock on a door when they're responding to a call whether or not there were firearms in the household?"

Two police officers, the tac team officer and a senior 20-year member of the Saskatoon police force, responded to that issue. They made it very clear to Mr Rock that individuals in a policing situation always approach with the idea of a problem if the firearms are registered; it's the



households that don't register their firearms that are the problems. This bill will not resolve the situation.

Quite clearly, as the rules are laid out in C-68, the federal legislation, just because a person owns a firearm does not necessarily mean it has to be in that location. It could be at another location from borrowing, lending to somebody else, who also has a firearms possession certificate or an FAC. That very clearly demonstrates that it does not necessarily have to be located in that residence.

The member for Beaches-Woodbine spoke about no legitimate reason to issue permits. It just so happens that a couple of weeks ago I was with the Boy Scout training officer for the 22 range. I might add that Camp Samac, just north of my riding in Oshawa, has over 36,000 night stays where Scouts, Guides, other individuals participate in these activities. Quite realistically, they constantly have training individuals. As a matter of fact, as Mr Barrett mentioned the experience he had in Scouting, I also had extensive experience with shooting with the Scouts and it happened to be at Camp Samac. Yet I was considerably younger at that time, in the area of 12 years old.

**Mr Gerretsen:** Start making some sense.

**Mr Ouellette:** The member for Kingston and The Islands says, "Start making some sense." I think quite realistically, he's either not listening or he is very specifically listening.

It was clearly stated by the member for Beaches-Woodbine that we oppose the federal legislation. Very clearly, we do not oppose any legislation that will bring in more safety in, and the training aspects of C-68 have not been opposed. It is a registration aspect. What the members fail to realize is that, according to the figures that have been released, \$134 million has been spent by the federal government already on this issue.

If you look, why would they spend \$134 million without registering one firearm? I might add, where are the concerns and priorities? You know that the federal government has contributed \$4 million for breast cancer control and \$16 million in total to cancer research. How is a priority set when they spend \$134 million on a process that was only going to cost \$84 million? There's something not quite right here. Where are the priorities in this situation?

The member for Beaches-Woodbine spoke about over 90% opposed and spoke about the by-election in Nickel Belt, and I do admit that the communication on the program was somewhat lacking, that individuals in those areas did not understand the program and how it unfolded.

When I was in Sudbury, I spoke with the largest retailer at that time. That individual did not understand the program and had some strong concerns about it, but once explained to that individual, he made it very clear that he endorsed it 100%. Not only that, but today as well when I spoke to Roger from Albert's in Timmins or I spoke to individuals from Sault Ste Marie or I spoke to individuals from Thunder Bay, the position was very clear.

I might say a couple of things. There was 100% endorsement and they said, "You know, Jerry, if you wanted to check, just drive around the bush before this

took place and find out how many parents had their kids out at that time." They were implying that the process was continuing. Realistically this is a very urban and rural issue, and I don't necessarily think that no matter what is brought forward or what is explained, urban members are going to support or endorse 100% when they have no exposure to these sorts of things.

Roger out of Timmins very clearly said, "What the urban members or the people from Toronto don't understand is that in the north we have a national pastime and, quite clearly, it's hunting and fishing." These are the things that bring their community together.

One of the other members — I'm going to have to go through my notes to find out exactly which member. However, time not remaining as it is, I am going to go quickly. I remember now, it was the member for Scarborough North who spoke about the use of alcohol and alcohol-related incidents and the realistic aspect that you don't give that to a 12-year-old. Well, this person from Timmins said that he met with the medical staff from local hospitals and they were very opposed to the entire issue. Then he asked them: "All right. I would like you to look at one aspect of this. I would like you to tell me how many firearm-related incidents you have dealt with and how much time you've spent with that issue." They said as compared to alcohol-related incidents, there was no comparison. When the medical community looked at that issue from that perspective, they had no problem with the issue at all. It completely turned it around in Timmins.

But that is the same thing I'm hearing. Quite honestly, the member for Algoma had some concerns about the expression of an incident that took place in his riding. As a matter of fact, I was at that site two days after some of the research was done and I am concerned about the way it was brought forward in somewhat of a fashion that would give concern to the public while an investigation is continuing. Quite clearly, what has been demonstrated here is, I think that it should not have been dealt with in the fashion it was.

In the time remaining, I'm going to try and explain a couple of other things. The number of incidents regarding — the member for Kingston and The Islands spoke about the statistics in Saskatchewan. In the last week I've spoken with three individuals who had deaths while they were hunting, but the way the statistics, as I mentioned earlier on, are manipulated, what the people don't realize is that those three individuals who died while they were hunting were all heart attacks and those are calculated into the statistics that say there are fatalities and deaths during hunting. When you analyze that and when you get a full picture of this entire issue, it's completely different.

**The Deputy Speaker:** Mr McGuinty has moved opposition day number 3. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

Call in the members. There will be a five-minute bell.

*The division bells rang from 1801 to 1806.*

**The Deputy Speaker:** All those in favour will please rise one at a time and be recognized by the Chair.

#### Ayes

Agostino, Dominic	Gerretsen, John	McGuinty, Dalton
Bradley, James J.	Grandmaître, Bernard	Morin, Gilles E.
Caplan, David	Kennedy, Gerard	Phillips, Gerry
Christopherson, David	Lankin, Frances	Pupatello, Sandra
Colle, Mike	Lessard, Wayne	Sergio, Mario
Curling, Alvin	Martin, Tony	Silipo, Tony

#### Interjections.

**The Deputy Speaker:** Order. I require that I hear the names being called. If I don't, I will interrupt the proceedings until I can.

All those opposed will please rise one at a time.

#### Nays

Amott, Ted	Hudak, Tim	Rollins, E.J. Douglas
Baird, John R.	Johns, Helen	Ross, Lillian
Barrett, Toby	Johnson, David	Runciman, Robert W.
Beaubien, Marcel	Jordan, W. Leo	Sampson, Rob
Chudleigh, Ted	Kells, Morley	Skarica, Toni

Danford, Harry  
DeFaria, Carl  
Doyle, Ed  
Elliott, Brenda  
Fisher, Barbara  
Flaherty, Jim  
Ford, Douglas B.  
Fox, Gary  
Froese, Tom  
Galt, Doug  
Gilchrist, Steve  
Guzzo, Garry J.

Leach, Al  
Leadston, Gary L.  
Martiniuk, Gerry  
McLean, Allan K.  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
O'Toole, John  
Ouellette, Jerry J.  
Palladini, Al  
Parker, John L.  
Pettit, Trevor

Smith, Bruce  
Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Tilson, David  
Turnbull, David  
Vankoughnet, Bill  
Villeneuve, Noble  
Wettlaufer, Wayne  
Wood, Bob

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 18; the nays are 50.

**The Deputy Speaker:** I declare the motion defeated.

It being approximately 6:12, I declare this chamber adjourned until 6:30 of the clock.

*The House adjourned at 1812.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon Hilary M. Weston  
Speaker / Président: Hon / L'hon Chris Stockwell  
Clerk / Greffier: Claude L. DesRosiers  
Clerk Assistant / Greffière adjointe: Deborah Deller  
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman  
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma	Wildman, Bud (ND)	Grey-Owen Sound	Murdoch, Bill (PC)
Algoma-Manitoulin	Brown, Michael A. (L)	Guelph	Elliott, Brenda (PC)
Beaches-Woodbine	Lankin, Frances (ND)	Halton Centre / -Centre	Young, Terence H. (PC)
Brampton North / -Nord	Spina, Joseph (PC)	Halton North / -Nord	Chudleigh, Ted (PC)
Brampton South / -Sud	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Transportation / ministre des Transports	Hamilton Centre / -Centre	Christopherson, David (ND)
Brant-Haldimand	Preston, Peter L. (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Brantford	Johnson, Ron (PC)	Hamilton Mountain	Pettit, Trevor (PC)
Bruce	Fisher, Barbara (PC)	Hamilton West / -Ouest	Ross, Lillian (PC)
Burlington South / -Sud	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister of Long-Term Care, minister responsible for seniors / ministre des Soins de longue durée, ministre délégué aux affaires des personnes âgées	Hastings-Peterborough	Danford, Harry (PC)
Cambridge	Martiniuk, Gerry (PC)	High Park-Swansca	Shea, Derwyn (PC)
Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Huron	Johns, Helen (PC)
Carleton East / -Est	Morin, Gilles E. (L)	Kenora	Miclash, Frank (L)
Chatham-Kent	Carroll, Jack (PC)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
Cochrane North / -Nord	Wood, Len (ND)	Kitchener	Wettlaufer, Wayne (PC)
Cochrane South / -Sud	Bisson, Gilles (ND)	Kitchener-Wilmot	Leadston, Gary L. (PC)
Cornwall	Cleary, John C. (L)	Lake Nipigon / Lac-Nipigon	Pouliot, Gilles (ND)
Don Mills	<b>Johnson, Hon / L'hon David</b> (PC) Minister of Education and Training / ministre de l'Éducation et de la Formation	Lambton	Beaubien, Marcel (PC)
Dovercourt	Silipo, Tony (ND)	Lanark-Renfrew	Jordan, W. Leo (PC)
Downsview	Castrilli, Annamarie (L)	Lawrence	Cordiano, Joseph (L)
Dufferin-Peel	Tilson, David (PC)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Solicitor General and Minister of Correctional Services / solliciteur général et ministre des Services correctionnels
Durham Centre / -Centre	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Labour / ministre du Travail	Lincoln	Sheehan, Frank (PC)
Durham East / -Est	O'Toole, John R. (PC)	London Centre / -Centre	Boyd, Marion (ND)
Durham West / -Ouest	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Community and Social Services / ministre des Services sociaux et communautaires	London North / -Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Intergovernmental Affairs, minister responsible for women's issues / ministre des Affaires intergouvernementales, ministre déléguée à la Condition féminine
Durham-York	Munro, Julia (PC)	London South / -Sud	Wood, Bob (PC)
Eglinton	Saunderson, William (PC)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
Elgin	North, Peter (Ind)	Middlesex	Smith, Bruce (PC)
Essex-Kent	Hoy, Pat (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Essex South / -Sud	Crozier, Bruce (L)	Mississauga North / -Nord	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Etobicoke-Humber	Ford, Douglas B. (PC)	Mississauga South / -Sud	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children's Issues) / ministre sans portefeuille (enfance)
Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga West / -Ouest	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister without Portfolio (Privatization) / ministre sans portefeuille (privatisation)
Etobicoke-Rexdale	Hastings, John (PC)	Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	Grimmett, Bill (PC)
Etobicoke West / -Ouest	<b>Stockwell, Hon / L'hon Chris</b> (PC) Speaker / Président		
Fort William	McLeod, Lyn (L)		
Fort York	Marchese, Rosario (ND)		
Frontenac-Addington	Vankoughnet, Bill (PC)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean	Baird, John R. (PC)	Sarnia	Boushy, Dave (PC)
Niagara Falls	Maves, Bart (PC)	Sault Ste Marie /	
Niagara South / -Sud	Hudak, Tim (PC)	Sault-Sainte-Marie	Martin, Tony (ND)
Nickel Belt	Morin, Blain K. (NDP)	Scarborough-Agincourt	Phillips, Gerry (L)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Scarborough Centre / -Centre	Newman, Dan (PC)
	Barrett, Toby (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Norfolk	Galt, Doug (PC)	Scarborough-Ellesmere	Mushinski, Marilyn (PC)
Northumberland	Carr, Gary (PC)	Scarborough North / -Nord	Curling, Alvin (L)
Oakville South / -Sud	Colle, Mike (L)	Scarborough West / -Ouest	Brown, Jim (PC)
Oakwood	Caplan, David (L)	Simcoe Centre / -Centre	Tascona, Joseph N. (PC)
Oriole	Ouellette, Jerry J. (PC)	Simcoe East / -Est	McLean, Allan K. (PC)
Oshawa	Patten, Richard (L)	Simcoe West / -Ouest	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Ottawa Centre / -Centre	Grandmaître, Bernard (L)		Bartolucci, Rick (L)
Ottawa East / -Est	Guzzo, Garry J. (PC)	Sudbury	Martel, Shelley (ND)
Ottawa-Rideau	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Sudbury East / -Est	Ramsay, David (L)
Ottawa South / -Sud	Cullen, Alex (Ind)	Timiskaming	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Northern Development and Mines, Chair of the Management Board of Cabinet / ministre du Développement du Nord et des Mines, président du Conseil de gestion
Ottawa West / -Ouest	Hardeman, Ernie (PC)	Victoria-Haliburton	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of Health / ministre de la Santé
Oxford	Ruprecht, Tony (L)		Kormos, Peter (ND)
Parkdale	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Waterloo North / -Nord	Arnott, Ted (PC)
Parry Sound	Johnson, Bert (PC)	Welland-Thorold	Doyle, Ed (PC)
	Stewart, R. Gary (PC)	Wellington	Skarica, Toni (PC)
Perth	Gravelle, Michael (L)	Wentworth East / -Est	<b>Harnick, Hon / L'hon Charles</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Peterborough	Lalonde, Jean-Marc (L)	Wentworth North / -Nord	Kwinter, Monte (L)
Port Arthur		Willowdale	Lessard, Wayne (ND)
Prescott and Russell /			Pupatello, Sandra (L)
Prescott et Russell			Duncan, Dwight (L)
Prince Edward-Lennox-			<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development, Trade and Tourism / ministre du Développement économique, du Commerce et du Tourisme
South Hastings /			Parker, John L. (PC)
Prince Edward-Lennox-			<b>Turnbull, Hon / L'hon David</b> (PC) Minister without Portfolio / ministre sans portefeuille
Hastings-Sud	Fox, Gary (PC)		Klees, Frank (PC)
Quinte	Rollins, E.J. Douglas (PC)	Wilson Heights	Sergio, Mario (L)
Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique	Windsor-Riverside	Kennedy, Gerard (L)
	Conway, Sean G. (L)	Windsor-Sandwich	
Renfrew North / -Nord	Churley, Marilyn (ND)	Windsor-Walkerville	
Riverdale		York Centre / -Centre	
S-D-G & East Grenville /	<b>Villeneuve, Hon / L'hon Noble</b> (PC) Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales, ministre délégué aux Affaires francophones	York East / -Est	
S-D-G et Grenville-Est	<b>Bassett, Hon / L'hon Isabel</b> (PC) Minister of Citizenship, Culture and Recreation / ministre des Affaires civiques, de la Culture et des Loisirs	York Mills	
	Bradley, James J. (L)		
St Andrew-St Patrick	Froese, Tom (PC)	York-Mackenzie	
	<b>Leach, Hon / L'hon Al</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	Yorkview	
St Catharines		York South / -Sud	
St Catharines-Brock			
St George-St David			

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 28 October 1998

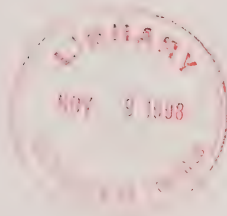
Mercredi 28 octobre 1998

Speaker  
Honourable Chris Stockwell

Clerk  
Claude L. DesRosiers

Président  
L'honorable Chris Stockwell

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 28 October 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 28 octobre 1998

*The House met at 1832.*

### ORDERS OF THE DAY

**Mr Wayne Lessard (Windsor-Riverside):** On a point of order, Mr Speaker: I don't think we have a quorum. Could you please check?

**The Acting Speaker (Mr Gilles E. Morin):** Would you please identify if we have a quorum.

**Clerk at the Table (Ms Lisa Freedman):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Minister.

### ENERGY COMPETITION ACT, 1998

### LOI DE 1998 SUR LA CONCURRENCE DANS LE SECTEUR DE L'ÉNERGIE

Mr Wilson moved third reading of Bill 35, An Act to create jobs and protect consumers by promoting low-cost energy through competition, to protect the environment, to provide for pensions and to make related amendments to certain Acts / *Projet de loi 35, Loi visant à créer des emplois et à protéger les consommateurs en favorisant le bas prix de l'énergie au moyen de la concurrence, protégeant l'environnement, traitant de pensions et apportant des modifications connexes à certaines lois.*

**Hon Jim Wilson (Minister of Energy, Science and Technology):** It's been a year since I released our government's white paper on electricity reform, so it gives me great personal pleasure to preside over another significant milestone and introduce Bill 35, our Energy Competition Act, for third reading.

A competitive market would offer enormous benefits to all Ontarians by creating new jobs and an economy that is attractive to investors.

Customer interests would be protected. Reliability and safety of electricity supply would be ensured at the lowest possible cost.

Competition would be the best guarantee for customer choice. That means green power would be an option for consumers to light up their homes. That's good news for the environment and it's a first for Ontario.

Since the Energy Competition Act was tabled, it has generated almost \$1 billion in private sector investment in the future of Ontario.

Projects proposed by companies like TransAlta, TransCanada Pipelines and Northland Power in Sarnia, Thorold and Hearst burn natural gas, which is an efficient and environmentally friendly fuel.

Canadian Hydro Developers in Peterborough has proposed a project which will produce environmentally benign hydroelectricity.

Here in Toronto, I recently attended an event launching the city's first cogeneration plant. The project, worth over \$130 million, is a partnership between the Toronto Hydro Electric Commission and Cascades/Boralex, a company out of Montreal, Quebec. It represents almost 10% of Toronto's 2005 emission reduction targets and will result in the shutdown of the sewage waste incinerator at Toronto Works. So it's great news for the environment here in Toronto. The resulting reductions in carbon dioxide emissions are the equivalent of 81,500 fewer cars on the road, and it will reduce sulphur dioxide emissions by 4,000 tonnes, significantly reducing smog and acid rain in southern Ontario.

These companies have listened to our jobs and investment message, and that's what Bill 35 is all about. They recognize the benefits of competition and will be ready to take advantage of the opportunities that will be available in a competitive electricity market in the year 2000.

Passage of Bill 35 would allow us to keep pace with other jurisdictions and be able to compete on a globally competitive basis. In every case where other jurisdictions have introduced a competitive electricity market, it has led to greater efficiency in generation and distribution and, ultimately, to lower prices for consumers.

Other countries, such as Britain, Australia and Argentina, have already benefited from restructuring. Real distribution costs per customer in New Zealand fell by almost 20% between 1989 and 1994, and it's been estimated that Norway's distribution system could realize as much as 25% savings. In fact, anywhere competition has been introduced in this world, savings have been between 8% and 40%. Nowhere have prices gone up.

All jurisdictions that have gone from a monopoly to a competitive market in electricity have had to deal with the issue of market power, and we've certainly heard a lot about that in Ontario. In our province, Ontario Hydro has had a monopoly for 92 years. When our electricity market is opened to competition, Ontario Hydro's successor



generation company, commonly known as Genco, will control about 90% of all the electricity supply in the province. So the issue of market power has been raised by both opposition parties and many electricity stakeholders, and it's a legitimate issue.

We knew from the beginning that we would have to address this issue if Ontario is going to achieve an efficient, fair and competitive electricity market. Investors need to be assured that there will be no abuse of market power, and limiting the exercise of market power is key to our commitment to consumers that prices will be as low as possible.

The Market Design Committee, a committee made up of experts from the marketplace and consumer experts working on behalf of the government and on behalf of consumers, was established in January of this year to advise the government on the rules for the competitive electricity market that will open in Ontario in the year 2000.

The MDC's third-quarter recommendations on market power, which we just received a couple of weeks ago, were unanimously endorsed by its membership and approved by Ontario Hydro. The report addresses the market power that Genco will have when the market is opened to competition. Their recommendations, which have been endorsed by this government, provide price stability and ensure a smooth but gradual transition to a competitive market. This framework will be essential in getting a credible market launched on day one at some point in the year 2000.

1840

The framework has a number of elements. First, a revenue threshold, or what the MDC calls a price cap, would limit Genco's ability to benefit from forcing up the price of electricity. Second, Genco would be required to reduce its share of the Ontario market to 35% or less within 10 years of the market opening.

There is flexibility in this model. Genco would be able to choose among a variety of decontrol instruments that reduce its Ontario market power without necessarily requiring it to sell assets. The decontrol instruments include long-term leasing and auctioned bidding. It may also sell or swap its Ontario assets and acquire assets in other jurisdictions.

Ontario Hydro says it can meet the 10-year goal and may even surpass it. It sees itself moving from being an Ontario monopoly supplier to becoming a top competitor in North America, with operations throughout the north-eastern part of the continent, as electricity and energy markets become increasingly integrated.

As a first step, Genco would be required to reduce its share of fossil and renewable generation capacity to 35% within 42 months of the market opening.

Third, Genco's progress towards its market share targets would be subject to reviews by the Ontario Energy Board. The Ontario Energy Board would assess the company's success in meeting its 42-month target and review its plan for meeting the long-term target. The revenue threshold could be adjusted accordingly and the OEB

could recommend additional measures if the decontrol targets were not being met.

The revenue threshold, or price cap, that's been set by the Market Design Committee is about 3.8 cents per kilowatt hour and applies to only a defined amount of Genco's generation. If the competitive market price is below this level, Genco may push the price up to the cap but can't exceed the cap.

If the market price is above the cap, Genco must rebate its excess revenue to the Independent Electricity Market Operator, called the IMO, and the IMO then pays out this rebate to all wholesale customers and eventually that gets to the consumers of electricity: you and me.

The legislation provides for both the Market Surveillance Panel of the Independent Electricity Market Operator and the Ontario Energy Board to promote competition, monitor the market and ensure market participants do not abuse market power.

This is all about good management in the province, something that's been long overdue when we're dealing with Ontario Hydro.

The province will be the majority shareholder in Hydro's successor companies. Concern has been expressed that these companies could incur more stranded debt. I want to remind people that this government, since coming to office in 1995, has not let Ontario Hydro borrow one penny more. In fact, the debt's been reduced by about \$2.5 billion since 1995. I think that's a record for Ontario. Ontario Hydro has met all of its debt obligations to the people of Ontario and it has had to find savings for reinvestment within its own operation and has done a commendable job of doing that since we came to office.

We are committed to ensuring that tough financial benchmarks are in place and that all efforts are made by the successor companies to Ontario Hydro to avoid new stranded debt.

But the successor companies must be given a fair chance to compete. They would be given a commercial mandate. Investments would have to be supported by a strong business case.

The board of directors would be given authority to make commercial decisions and management would be responsible for performance. As well, other competitors would impose discipline on these decisions. We certainly know that this has been a transparent process; it's been that to date. We intend to keep that process open and transparent so that competitors in the new electricity market will be our best guides and our best watchdogs on the activities of the new successor companies to Ontario Hydro.

The credibility of having a competitive market is contingent on how we address market power, and we've succeeded in coming up with a good framework for market power mitigation. It demonstrates that this government is committed to an open and fair electricity market. We want the jobs and we want the investment. As we said at the beginning, we've already seen almost \$1 billion worth of

investment and that's before the act has even been passed by this Legislature.

In conclusion, Bill 35 will contribute significantly to investment and job creation in our province. It will ensure a safe and reliable supply of electricity at the lowest possible cost and it will provide choice of supply to consumers while protecting the environment. For the first time in 92 years, the people of Ontario will have the option of buying green power. Those that produce green power will be able to distribute that power to willing customers over the common carriers, which will be the wires of our transmission system and distribution system, and customers will have choice for the first time in many decades in this province.

With the approval of the legislature, the final market design details can be worked out and an implementation plan can be developed so we'll be ready to open up the electricity market in the year 2000. Then Ontario will once again be open for more business. At least \$10 billion worth of new investment is expected in the province over the next few years as a result of this significant piece of legislation.

I urge all members of this Legislature to support the legislation. Jobs are important to our people. We can no longer be the third-highest jurisdiction with respect to electricity prices, just behind PEI and Nova Scotia. When the manufacturers and the auto sector came to this province in the 1960s and 1970s, it's because we had very low hydro rates. We've lost that competitive advantage over the past few years. We've had some mismanagement in the system and Bill 35 gives us a historic opportunity to correct the problems of the past and to move to the most competitive electricity market in this province and in this country. I look forward to the year 2000 when that market is opened up and we see more jobs and investment for the people of Ontario.

**The Acting Speaker (Mr Gilles E. Morin):** Questions or comments?

**Hon Mr Wilson:** Mr Speaker, I want to split my time. Can I mention that at this point? I'm going to split my time with the members for Huron, Bruce, Scarborough East and Lanark-Renfrew. There will be equal time allocation for those members.

**The Acting Speaker:** Agreed? Agreed.

**Mrs Helen Johns (Huron):** I would like to say that it's a privilege to be speaking to Bill 35 today. I've been involved in Bill 35 right from the beginning. When I moved to the Ministry of Energy about 15 months ago, the thought of introducing competition into the energy market was just a concept, and from that concept it has moved to a white paper and to a bill. It's been amazing to watch the process, and a good education for me.

One of the things that has really struck me is the stakeholders and how involved they've been in the process. We've had groups from municipal electric utilities, generators, retailers and wholesalers involved in this process, and they have done a terrific job of moving this process along. They really are the driving force behind this bill we're looking at today.

As a result of the bill being written, we went out and did some consultation during the summer, which I was involved in. We started in August and we did eight days of consultation across the province. We had an opportunity to hear from 90 different groups or individuals who gave us their best ideas, their best concepts, their best ways that we could change the bill, and we have listened very carefully to them.

In addition to those 90 people who came to talk to us, 150 people wrote to us and suggested improvements to the bill. We have certainly taken those into consideration. We've considered them very carefully and some of the issues they raised were very important.

We've tried to address some of those in our amendments, and for the people who haven't had an opportunity to see the amendments, I just wanted to run through some of the things that we changed.

I think the most important thing to recognize in this bill is that government and the stakeholders were primarily concerned about consumer protection. We wanted to ensure that the retailers, the people who turned on the switch in the province, had reliable, safe power, so we made sure there were a number of protections built into the system.

For example, we clarified the regulations to ensure licensing provisions cover all sellers in the wholesale market. One of the things we heard was that some people might come in from other provinces or other countries and we wanted to ensure that they also had to be licensed, so that everybody who is in this marketplace has a licence, they know what's expected of them and they work towards those expectations.

We also wanted to protect the small-volume customers, and that's the customers like you and me in our houses. We wanted to ensure that marketers who were selling natural gas and electricity to residential customers would need a licence, would have to get a licence, so that everybody who is selling in this market has a certain benchmark they have to meet. We felt that was very important to protect the consumer.

We also thought there had to be serious penalties for someone who sold into this marketplace without a licence or without the knowledge of the Ontario Energy Board, which is going to regulate this marketplace, so that came into effect also.

**1850**

In the past, we had heard a lot about gas sellers and some practices that had been around. We implemented a code of conduct in the bill, and that code of conduct will have to be approved by the Ontario Energy Board. The Ontario Energy Board therefore has the ability to ensure that code of conduct is maintained.

One of the things we heard from London Hydro that I think struck all committee members was that people are out there selling electricity contracts to you and me on the main streets of small towns and across the province. We wanted to ensure that people who are signing those contracts at this point, where there's a lot of information that they need to have before they enter into those



contracts, had an opportunity in the future to say, "Did I enter into a good contract?" For those of you out there tonight who have entered into one of those contracts and are worried that maybe you've made an incorrect choice or you didn't have all the information, I want to put to rest any concerns you have. What will happen is that those people who have sold you electricity contracts in the future will have to reaffirm those contracts, and you will have another opportunity to look at those contracts. That's another degree of consumer protection we thought was important and that we implemented as one of the amendments. You have to be satisfied with the contract you've entered into, and the contract has to tie in to the licence conditions that were set out by the Ontario Energy Board. I think the process will be much more up front, and it will be a level playing field for everyone involved in this marketplace.

We also heard a number of concerns from municipal electric utilities or, for some of us, local public utility commissions. What we heard was that they were concerned that they couldn't enter into the broad range of opportunities that other groups, like gas companies, could. We wanted to make that level so that those of us who feel comfortable with our local public utility or municipal electric utility could then look at that and say, "I might be able to buy all my services from them." I think that was important. We want the municipal electric utility to be able to explore all potential business opportunities which they might think will benefit their customers.

We also wanted them to be able to look at joint billing and metering or providing telecommunications, because as they start to combine services, that gives efficiencies to the marketplace, and those savings can be passed on to the consumers. That's what we need in Ontario. We need to see pricing in all aspects, both in the generation side and in the distribution side, being honed to get down to the lowest possible price so that we are paying a reasonable price for our electricity in Ontario.

But we had to find a fine line with that. We want these municipal electric utilities to be able to enter into joint ventures and other opportunities, but on the other side we don't want the public paying for them to get into high-risk activities outside of their areas of expertise. We tried to find that balance, and I think we have found that balance, because the municipal electric utilities seem to be fairly satisfied with that.

We also decided, after going out and talking to a number of people about this bill, that the proposed payments in lieu that we had set up in the bill should be changed. We made the corporate tax the same for Genco and Servco as for the municipal electric utilities, once again, everybody being on a level playing field so that everybody competes and we as consumers can therefore choose who can best provide our services.

When my family talks to me about this whole electricity system, one of the concerns they always have is reliability: "When I turn on that switch, is it going to be the same as it has been in the past?" One of the things that got us really thinking about that was the people who came

to the committee and said, "How do we know that you're going to always have power as we turn on the switch?"

The group that's going to be controlling that is called the Independent Electricity Market Operator. We tried to clarify what their responsibilities were, we tried to clarify their authorities, we tried to give them powers so that they could ensure we have reliability within the Ontario market. As a result of the changes and the amendments we've made to this bill, they seem satisfied that they can do their job and that we will have electricity as we need it, when we need it, at a reasonable price, at the best price they can offer us. I think that's a very important issue, and those were amendments that we heard as we travelled the province.

We've worked hard on this legislation. We've listened to what people in the province have said about energy competition. We've heard their concerns, and I think we've heard their dreams too, that they have reasonably priced power, that it's reliable, it's safe. We've done our best to address those in the amendments we have proposed.

Our work is not finished yet. Subject to the passing of Bill 35 in the month ahead, we need to refine regulations and the licensing agreements. We need to make sure that Genco and Servco are set up. We have a lot to do prior to Ontario moving forward to a competitive marketplace in the year 2000.

One of the things we've heard a lot about and which I just want to take a minute to talk about is the difference between Bay Street and Main Street in our consultations. I happen to live on Main Street, that is, in rural Ontario, and I don't come anywhere near Bay Street in Huron county, let me tell you. One of the things I've been concerned about and the minister has been concerned about is that there is no question that the transmission costs that come along could be more expensive in rural Ontario. So on Main Street in Exeter we have tried to ensure that rural and remote communities will receive special assistance with respect to this transmission.

Rural rate assistance is across the province as we speak, and it will continue to be there. In sparsely populated areas, what will happen is that people will have a calculation done so that they do not pay a greater rate for their transmission — the average rate that residential customers pay to the municipal utilities, and we compare that average rate to the rate being paid by rural residents. If the difference in the average rate is more than 15%, Ontario Hydro now gives a discount to those customers. It comes out to about \$1.25 million a year, and this will continue to happen.

I want to reinforce tonight that whether you live on Main Street, Exeter, or Bay Street, the government has tried to work a process such that the 600,000 residents who live and the 100,000 people who have farms in rural Ontario will receive this assistance. We continue to work with the Ontario Federation of Agriculture and different groups to ensure that they receive this and that everyone is treated fairly within the province.

This has been a really good working experience for me, and I once again would like to close today by saying how

wonderful it has been to work with the stakeholders who have been involved in this process. I'd like to thank the committee members who travelled across the province with me. I know today that Mr Baird from Nepean is in the House, and he travelled extensively and did a lot of work to deal with the financial issues. Mr Galt was there to talk about the environment and all the issues that revolved around that. We also had Mr Gilchrist there, who dealt with the municipal issues. Mr Jordan and Mr Preston were there. We had a number of different people who came in to help us throughout this committee, and we're very thankful to them. They did a wonderful job, and we thank them for all their help.

**Mrs Barbara Fisher (Bruce):** I am pleased to have the opportunity to speak in support of the third reading of Bill 35. The Energy Competition Act is long overdue in Ontario, and I think there's nobody in this House who will argue that point.

This legislation will ensure that the people of Ontario receive the kind of safe, affordable and reliable electricity that they demand and that they deserve. I believe that a competitive market will offer enormous benefits to all Ontarians. It will create new jobs and an economy that is attractive to investors, not just on a local basis but internationally as well. We have to renew that growth that we lost during the high increases to electricity prices in Ontario in the past decade. It is a proven fact that consumer prices have dropped in jurisdictions where electricity monopolies have been exposed to a competitive market. This has been the case in Great Britain, New Zealand and Argentina.

I'd like to dwell a little bit on the process that was used so that all Ontarians know that this is not something the government just dreamt up; this is something that has had a magnificent amount of community, local and, even broader than that, business input, consumer input, and it has been travelling throughout the province to have that type of input.

Bill 35 evolved from the general policy direction set out in the white paper released in 1997. That paper was entitled *Direction for Change: Charting a Course for Competitive Electricity and Jobs in Ontario*. The white paper was drafted with input from industry and consumer experts.

**1900**

The proposed legislation is also consistent with recommendations of the Market Design Committee, the select committee on Ontario hydro nuclear affairs, the Macdonald commission and the Minister's Electricity Transition Committee.

Weeks of public hearings in the late summer were held to hear and consider input from the public and interested stakeholders on the draft legislation. Several amendments to improve the legislation were made.

In a recent speech in Saskatchewan the president of the Power Workers Union, John Murphy, stated:

"We commend the Harris government for its consultative approach to electricity industry reform in Ontario, as well as for its decision not to break up Hydro's generating portfolio and privatize it, as some interests had been

advising. I give the Ontario government a lot of credit for not only refusing to privatize these assets, but for also refusing to break them up. There is no doubt in my mind that the government did the right thing for Ontario."

I don't think there's anywhere in the province where this legislation has a higher impact than the riding I represent, Bruce. In representing those people, I also represent the interests of the Bruce nuclear power development site, of which eight of the 20 units that we talk about in this House when we relate to nuclear energy are involved. I have many constituents who continue to be concerned, and rightly so, with the recent changes in Ontario Hydro's power industry.

In July 1997, Ontario Hydro released the report of the independent integrated performance assessment, known as the IIPA, conducted by the nuclear performance advisory group. This report clearly outlined that there were significant problems as a result of poor management decisions in the past as they relate to Ontario Hydro's nuclear program.

From the report, Ontario Hydro prepared a plan to bring its nuclear program back to world-class standards. This plan, called the nuclear asset optimization plan, better known to us locally as NAOP, was presented to Ontario Hydro's board of directors in August 1997. The plan proposed the lay-up of seven of Ontario's 19 nuclear reactors in order to concentrate financial and human resources to the remaining 12.

In my community, this meant the lay-up of the remaining three units at Bruce A. Over 1,000 workers would be transferred to Bruce B or to the Pickering or Darlington sites. Earlier in 1997 the Bruce heavy water plant was closed, which also affected an additional 400 jobs.

In response to the release of the IIPA report, this government commissioned the select committee on Ontario Hydro's nuclear affairs, to which I was appointed. The committee's mandate was to review and report on the IIPA report, the recovery plan and the AECB's review of the independent assessment.

The committee received over 95 presentations and reviewed over 200 documents. The committee's final report included 39 recommendations, several of which address the expectation of competition in the electricity market. The white paper on electricity sector restructuring was released about two thirds of the way through the committee's mandate.

With regard to input, I want you to note that, as you've heard, many sources were available and many people wanted to be able to present. Unfortunately, you could never fit them all in. I think, however, most of them were supportive. Several submissions to the committee supported the introduction of competition into the electricity market.

I would like to provide a few examples of that. TransAlta submitted:

"The current nuclear difficulties being experienced by Hydro represent an opportunity for the province to take a positive step towards an electrical industry that will introduce prices set through competition."



The presentation by Energy Probe, which often differs with the opinions of Ontario Hydro, by the way, included these comments:

"Nuclear regulation needs to be strengthened. Make the transmission and distribution system subject to the Ontario Energy Board; that is, public regulation. The generation side would be open to market competition. We would consider privatizing all parts of the system including the transmission grid. The key is adequate public regulation. The analogy of successful deregulation of the gas markets is cited as an example of what can be achieved."

The consumers of electricity and natural gas were also extremely supportive of the government's proposal to eliminate Ontario Hydro's monopoly.

The Association of Major Power Consumers in Ontario stated:

"Competition and customer choice will provide a responsive, low-cost system. The monopoly should be dismantled and competition encouraged among many suppliers with light-handed regulation."

Finally, the Ontario Natural Gas Association submitted that, "In a competitive electricity system, all competing alternatives would be considered and the marketplace would determine the supply, demand and price."

There is an unprecedented level of support for the changes this bill proposes. Public opinion strongly endorses the idea that the status quo is not working.

With the passage of this bill, we will be able to bring full competition to Ontario's electricity sector and ensure a level playing field for all taking part in this new competitive market, and introduce reforms to natural gas legislation which would allow gas markets also to function more efficiently. As well, these proposed reforms will boost the economy by encouraging jobs and investment.

New products and services will stem from competition. This has been seen in the deregulation of the telecommunications industry. It will also open the door for new market players expanding their businesses and creating new jobs.

As a member for a rural riding, I am particularly interested in how electricity competition and Bill 35 will affect rural Ontario. I am pleased that this legislation is a positive initiative for rural Ontario in that it will assure service and continuing rate protection for customers who reside in rural and remote areas of the province.

The development of the legislation has been guided by the fairness and equity principles of the existing rural rate assistance program. Current customers in high-cost, sparsely populated areas of the province — that includes the north — will continue to receive current levels of support to limit rate differentials with urban areas. All customers will continue to pay for this assistance.

The legislation also provides flexibility to respond to changing demographics and local amalgamations, such as the ones that are happening in the riding I represent, Bruce, and more that will happen in the future.

On Monday, the Minister of Finance tabled the preliminary estimates of stranded debt of Ontario Hydro and the amounts to be assigned to the successor com-

panies. It is not news that Ontario Hydro has accumulated significant debt over the past 100 years. This has been a concern of Ontario ratepayers for some time. The financial restructuring plan is intended to accomplish a number of goals: to keep electricity prices as low as possible; to put the new companies on a sound financial footing; to retain maximum value in the electricity sector until the stranded debt is retired; and to ensure that any residual stranded debt is recovered from the electricity sector and not the taxpayers.

Electricity consumers in Ontario are already paying rates to service existing debt within their electricity rates. With the introduction of competition, Ontario Hydro will no longer have a monopoly which allows it to impose these costs on electricity consumers.

The financial restructuring process has been designed to ensure that the debt can be serviced without an increase in electricity rates.

I would also like to address some of the environmental benefits of Bill 35. The introduction of a competitive electricity market is good for the environment. The government is committed to maintaining and enforcing strong limits on emissions and to meet our national and international commitments. The legislation allows for emission caps and trading, disclosure of emissions by generators and emission standards for those wanting to sell electricity in Ontario.

The Ontario Energy Board will also have an expanded role in electricity regulation. Time and time again in the hearing process or any of those processes that we talked about, this came out as one of the foremost factors.

Under the proposed rules, all transmitters, distributors, generators, purchasers and retailers of electricity would require a licence from the board. The licensee could be required to meet a number of conditions before a licence would be issued. Some of these are: following specified industry codes and technical and market rules; the need to meet performance standards and targets; and to provide reports concerning the source of electricity and emissions caused by its generation.

The board will be the independent regulator for the electricity sector with a mandate to protect consumers.

I welcome the changes and opportunities that this legislation will provide. I also believe that, for the good of the riding I represent, it probably is one of the last and only opportunities to allow a renewed Bruce site.

For too long, consumers have had too little choice and at too high a price. As we enter the 21st century, Ontario must be prepared to compete with the rest of the world in all endeavours, including the production and supply of electricity.

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**Mr W. Leo Jordan (Lanark-Renfrew):** It's a very special honour for me this evening to have a chance to speak on third reading of Bill 35.

Ontario's electrical industry, the present and the past: Over the past decade, the electricity cost advantage that made Ontario an attractive place to live and invest has been significantly eroded. Ontario rates rose by over 30%

in the early 1990s and are now third-highest among the Canadian provinces. Electricity prices in Ontario have grown 54% faster than the consumer price index since 1986.

The Ontario economy depends heavily on international exports, and the cost of electricity is a major factor which influences the price of Ontario exports and the ability of Ontario companies to grow and create jobs.

A competitive market for electricity in Ontario would ensure a continuing safe and reliable supply of electricity for consumers at the lowest possible price. That statement is very important because we expect to continue a safe and reliable supply of electricity for consumers at the lowest possible price. We're not guaranteeing or freezing any prices as competition comes into the field, but you can't do that, as some would want us to, and still say we had a free, competitive market.

With the passage of Bill 35, we will have a competitive electricity market that would create increased opportunities for investment and job creation. These are two of the main reasons we are restructuring Ontario's electricity market.

For example, in my riding of Lanark-Renfrew, in the town of Almonte, we have a Canadian company called Canadian Hydro Components. This company builds turbines and installs turbines and generators internationally. They have such confidence in our ability to bring the electricity market into modern-day status that they now are in the midst of spending \$2.5 million expanding that operation in the town of Almonte. I spoke with Mike Dupuis, the owner, and he tells me that he was in discussions with a friend of his in Idaho who is now 80-some years of age. He was saying to Mike, "If I could have sold the 50 kilowatts I was generating in my private little generating station years ago, I could have today been the owner of General Electric."

Small business, as I see Mike Dupuis, is watching as we come through this major change in the electricity market. We know, and he knows, a competitive market will provide more business opportunities not only for his company but for other companies in an expanding commercial market. With competition, savings in electricity costs would no longer be limited to big business. These smaller businesses, an example of which I pointed out, would be able to enjoy the fruits of the low electricity rates in many different ways, not only in the manufacture of goods relative to the hydroelectric area of small generation but through the retail part also.

There will be many opportunities in a competitive market. Commercialization has worked well in other jurisdictions and I feel confident in saying it's going to work well here in Ontario.

The proposed legislation, Bill 35, would end Ontario Hydro's 92-year-old monopoly and reorganize the company into two major commercial corporations: the Ontario Electricity Generation Corp and the Ontario Electric Services Corp. These would be known as Servco and Genco.

A non-profit crown corporation, the Independent Electricity Market Operator, would act as an impartial manager, ensuring reliable electrical supplies and fair access to this \$10-billion market.

Passage of this bill will open a significant new chapter in Ontario's history, and that's something we shouldn't forget as we move through this legislation. It offers us an opportunity to take time to look back on how we got here.

I remember in 1948 I was accepted as a student at the Hydro-Electric Power Commission of Ontario, in their electrical engineering technology course. I was very fortunate to have been accepted because it was more people who had returned from World War II who had preference in these courses. I'm always thankful to the Hydro-Electric Power Commission of Ontario for having been accepted at that time.

However, we've come a long way from the steam-driven generators of the 1880s, from the first major hydroelectric station at Niagara Falls in 1895 and from Adam Beck being appointed as first chairman of the Hydro-Electric Power Commission of Ontario in 1906.

I had the privilege in the 1950s of working at DeCew Falls near St Catharines, a plant that generated 25-cycle, 60-cycle and 66 2/3 cycle; the 66 2/3 was predominantly to supply the steel plant in Hamilton. Back in those early days, transmission lines ran from Niagara Falls to Toronto and a dozen other southwestern Ontario municipalities.

The biggest hydroelectric station in the world, at Queenston, was delivering power in 1930. In 1929, in my riding on the Ottawa River, the Chats Falls development was a very major development in eastern Ontario. It generated 25-cycle power that was transmitted here to Toronto to a station at that time identified as the Leaside control centre. The major demand at that time here was for 25-cycle power.

But time moves on and things kept expanding and expanding after the Second World War. Consumers wanted a different kind of electricity — one with lights that didn't flicker. Ontario had a 25-cycle system in the overall picture of the electrical industry which became old-fashioned and out of step. So our Hydro-Electric Power Commission at that time spent \$353 million converting appliances to 60-cycle.

On the 25th anniversary of Sir Adam Beck's death in 1950, the Queenston plant was renamed Sir Adam Beck Niagara generating station number 1 and work began on number 2. When it was completed in 1958, Niagara Falls had given all its power. The last untapped source was the St Lawrence River. The St Lawrence power project was undertaken jointly with the Power Authority of New York State and first produced power in 1958. This project tapped the last major source of hydroelectric power in southern Ontario.

By 1956, the commission had 65 hydro stations and two coal-fired stations. In 1962, the southern Ontario system and the northern Ontario properties were joined. The eastern and western parts of the province were electrically interconnected in 1970 through a newly



constructed system of interconnecting lines across the north shores of Lake Huron and Lake Superior.

1920

Nuclear power then came to Ontario when the commission signed an agreement with Atomic Energy of Canada and Canadian General Electric to design and build an experimental nuclear station at Rolphton on the Ottawa River. It began feeding power into the provincial grid in 1962.

Then in 1964, the major decision to proceed with the Pickering nuclear development marked the province's commitment to nuclear energy.

The 1960s and 1970s also saw plans for more nuclear plants and the beginning of the extra-high-voltage transmission grid for the province. That was when we were able to build a 500 kV network across Ontario.

A government task force in 1971 recommended the commission be turned into a crown corporation, overseen by a board of directors. In 1972, the government enacted the Power Corporation Act. This gave the hydro commission a modern corporate structure and a new name — Ontario Hydro.

Public power has come full circle. We recognize and value the fact that Sir Adam Beck and other men of his age had a brilliant vision. We could also say today that our present chairman and Minister of Energy are moving ahead on what I would consider is a very brilliant and positive vision of the need for electricity in the future for this great province.

**Mr Steve Gilchrist (Scarborough East):** It's indeed my pleasure to add a few comments to this, the final debate on a very, very important piece of legislation, a bill that is obviously long overdue. We've heard from some of my colleagues, as we heard throughout the weeks of committee hearings and during the second reading of the bill here in the chamber, that most, if not all, of this bill has found favour across this entire province among consumers and business. Even the official opposition voted for the bill on second reading, and we're very encouraged by that consensus.

One aspect that has to be dealt with here tonight, though, in the limited time we have left is the financial aspect of this bill, the implications to the consumers, to small business and to large industry all across this province. As we have heard, what is currently known as Ontario Hydro is being broken up into three companies: the generating company, the service company and the financial company. All of these will form important legs in a three-leg stool perhaps, and each of them will take on specific tasks. Simply doing that, breaking it into three component parts, will bring about an accountability that we've never had before in Ontario Hydro. People will be able to compare apples with apples for the first time. We'll be able to go out in the marketplace and compare rate setting and the cost of operation between Ontario Hydro's successor companies and similar companies across Canada and around the world.

Part of the financial considerations, perhaps the most important part, has been in the media earlier this week,

and that is the debt that will be assigned to the various components that will remain after Ontario Hydro is broken up. Some have suggested, taking advantage perhaps of the complexity of this issue, that this would add cost to the consumers. Nothing could be further from the truth. One of the little secrets that I'm sure Ontario Hydro has never been all that proud of and has never gone out of its way to explain on its monthly bills is that 40% of the amount of money that's being paid for electricity to Ontario Hydro by consumers and small business in Ontario today goes to service the debt, 40 cents out of every dollar you and I pay. It's an outrageous amount, and it shows exactly what the consequences are when you don't have accountability, when you don't have the ability to examine under a microscope exactly what is being done with these important assets bought and paid for by the taxpayers of Ontario.

The Minister of Finance and the Minister of Energy, Science and Technology have gone out to the marketplace, have found experts from Canada, the United States and around the world who have experience in exactly the initiative we're pursuing here today, moving from a monopoly energy distribution system to a competitive system, people who know whereof they speak when they talk about the amount of debt that can be assigned to each part of the new enterprise and, at the same time, people who have had tremendous experience with what's called stranded debt.

This is very complicated, and I have to admit — I'm sure I speak for most of the members — that we all had to go through this process two or three times before we came fully up to speed. I'd like to walk through, in the few minutes that are left, exactly what the steps are for determining who should get debt and who should get the stranded debt perhaps. The total debt and liability, when you looked at the outstanding bond issues, the outstanding financial liabilities that Ontario Hydro has today, plus certain non-book entries that there has been some dispute about, some debate over these last few years — for example, the cost of decommissioning the nuclear plants many years in the future. How much should we be putting aside for that rainy day, and how much should we have put aside in the last five, 10 and in fact 20-odd years?

When you look at the book value of the debt, it's \$31.5 billion. The contracts signed in good faith years ago that now are not generating the sort of income one had hoped, as well as the unfunded decommissioning costs for the nuclear plants and the costs for the fuel disposal for all of the nuclear waste fuel that's presently sitting in two storage areas in the province, when you add that up together, you get to \$39.1 billion. That's the bad news.

The good news is that when we looked at the value of the assets that would move into Servco and Genco and the financial company, clearly there is a value. How you arrive at that value takes a variety of paths. Perhaps the easiest way to explain it would be working backwards on the basis of the cash flow.

By looking into the future and knowing how much, at today's rates, the successor companies will be taking in in

income and subtracting their costs, you can determine with a relatively fine degree of specificity the amount of profit the successor companies will make. You can then look at what that profit would translate to in terms of the ratio between its debt and its equity, in terms of the various other measures that are used in the financial marketplace, what costs of asset could be borne given that income stream.

There was some talk in the press earlier this week that the value assigned to Genco was too low, because the amount in the preliminary estimate — and I would stress that there is certainly nothing cast in stone at this stage — was only \$5 billion. I would stress to anyone who is listening tonight that this is the net, again reflecting the fact that while the nuclear assets certainly have a value, as do the hydraulic and the fossil fuel, there are also the negatives, the liabilities, largely attached to the nuclear plants. It is the net of all of those numbers that takes us to \$5 billion.

On the other hand, Servco, whose assets will largely be the wires, the transmission system in Ontario, has a value of \$10.5 billion. When you subtract the value of the new companies added up together, it's \$15.8 billion. That leaves us with debt that isn't covered on the day of the transfer of those assets of \$23.3 billion. But even then we know today, as mentioned earlier, that Hydro is putting aside 40 cents of every dollar it's getting in to pay for that debt. So if the new companies did not have all that debt shifted over to them on day one, there would be an increased profit margin.

What the government has proposed in this legislation is that the new companies will be treated as if they were corporations in the private sector when it comes to paying taxes, particularly when it comes to paying both corporate income tax and the equivalent of property taxes, called payments in lieu. The same dollar paid to Hydro will now make Hydro more profit, but for the first time ever they will be deemed to have to pay taxes, and when you look at that income stream from the tax load they'll be able to pick up, you take another \$15.4 billion off what is considered to be stranded debt. That leaves what we have been calling residual stranded debt.

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It has to be stressed that we are still six months away from the formal date that we hope to see the successor companies created. A lot can happen between now and then. Certainly we will have the benefit of further examination in the marketplace of exactly what debt load these new companies will be able to bear. We will have had a chance to hear from not just our opponents in the Legislature here but the informed and more experienced voices on Bay Street and other companies that are already in the energy field, and they too will share their thoughts about the proper value to be assigned to these companies.

Regardless of what amount is the final residual stranded debt, though, that will be covered by what we're calling a CTC, a competition transition charge. That will be financed out of the same dollar that you and I were paying for our electricity, of which 40 cents went to debt servicing. The amount we pay will not go up. We are

encouraged, those of us who are supporting this bill, and I'm confident we'll see support on both sides of the House, that the Ontario Energy Board not only has the same powers to ensure there are no abuses in the marketplace in the future; their powers have been expanded. We've also seen what is called the Market Design Committee come out with rules which will guarantee that we will see that the rate will not go up.

On the other hand, reflecting on the experiences in every jurisdiction around the world that has gone to competition in their energy sector, we can look for energy savings of perhaps 8% to 40%, because that's what everyone else in the world has seen. That only makes sense.

To do nothing more than bring accountability, to bring an openness to the operations of these companies, to put them on a playing field where they now can be judged relative to the gas distribution companies, relative to electrical utilities in the United States, the United Kingdom, New Zealand, Australia, to all those enterprises in a variety of jurisdictions but from which we can develop an amalgam, we can come to a conclusion of what really are the appropriate costs of doing business.

I'm sure no one on the other side would be doing it to fearmonger, but the bottom line is that there is no merit in suggesting that this bill would lead to higher costs. The bottom line is that there will be the regulatory powers to ensure that consumers are protected. But more than that, we will have the advantages of competition, which in every jurisdiction, as I've said already, and in all likelihood will very quickly yield lower prices here in Ontario.

We know that the debt-to-equity ratios we're proposing for the new companies do something else as well. That guarantees that they will be viable entities. It guarantees, as we look forward, that we won't be sitting here five or 10 years from now and having to debate a bill to re-monopolize the delivery of electricity. We are very committed to making sure that from day one the affairs of the three replacement companies are going to be manageable, are going to be something that any taxpayer — because remember, we are still the shareholders in these three companies — would recognize as being legitimate entities, legitimate corporations. There will be no smoke and mirrors. They will for the first time be able to have the sort of input, be able to have the sort of oversight that, if it had existed back as far as 1989, might have left us with a very different picture today.

Up until 1989, as we've heard earlier, Ontario Hydro had done quite well in managing its resources, and it's been only in this last less than a decade that we've seen that \$39-billion debt explode. It's not a partisan issue. Again, we have support from a variety of sources, including many on the other side in this chamber, but the bottom line is that for the first time ever we're going to have accountable, accessible and open delivery of electricity in the marketplace.

**The Acting Speaker:** Questions or comments?

**Mr Wayne Lessard (Windsor-Riverside):** It's all well and good for the members of the government to sug-



gest that competition is going to lead to lower prices, but Bill 35 really doesn't bring us into a competitive marketplace, at least in the short term. If there are going to be any limitations on prices, they're going to be the result of regulation and meddling by this government to make sure that price is controlled at least until such time as they get through the next election and are able to privatize Ontario Hydro and sell it to the highest bidder at some fire sale prices. That's the only time they're going to have true competition.

I thought that the member for Bruce made some interesting points when she talked about privatization in the introduction of competition, but she failed to consider that on Monday of this week it was announced that the nuclear assets, including Bruce A, were basically not worth a plug nickel and that instead of accountability, as the member for Scarborough East is talking about, the management and the operation of those facilities are going to be passed over to a completely independent board of directors who are going to make their decisions based on a return from their investment.

From what I can see, there isn't anybody who's going to justify throwing good money at Bruce A. I doubt very much whether we'll see Bruce A started up again in the environment that's being created under Bill 35. I would have thought the member for Bruce might talk about that a little bit. I thought she might talk as well about the rate protection for people who live in rural communities in Ontario because there is very little rate protection except if you stay in the house where you're living now. If you don't, your rates could be going up.

**Mr John R. Baird (Nepean):** I listened with great interest to the speeches of my colleagues, particularly the speech from the member for Huron. The member for Huron knows a terrific amount about this bill and that was certainly exhibited every day during the committee process.

The member for Huron spoke about the need for consumer protection. Indeed, she fought for that and had the bill amended to protect consumers who might have signed up to a distributor in some fly-by-night organization even before this House passed the legislation. She should be complimented for that as well as the terrific amount of consultation. Even some of the union locals and the power workers were in support of much of the bill. I congratulate her for her efforts.

I particularly was struck by her comments with respect to green power and consumer choice in green power, where a consumer now for the first time would have the choice if it might cost half a cent or a cent more a kilowatt-hour to choose green power. I know that the member for Huron's door will be the first one they'll knock on to sign her up for that issue, because I know she cares deeply about that.

In addition, I think competition is not the be-all and end-all but I believe, certainly after the extensive public hearings we had, it's the right path for Ontario. It won't be perfect and there are no certainties in life, but I believe it offers the best hope of reliable energy at a low cost, and

that means lower than it would have been before Bill 35. That is extremely important to note.

We will, as a result of these hearings, and the member for Huron alluded to this, want to pay very close attention — and the member for Renfrew North spoke about this a terrific amount during the hearings — to the market power exercised by Ontario Hydro once this bill is implemented. I certainly accept that as a fair point. All of us will have to watch that, but obviously we want to ensure at this stage that it's in a position where it can compete south of the border. But that market power is something that I certainly appreciate and have a concern for that we'll all want to watch very closely.

**1940**

**Mr Gerry Phillips (Scarborough-Agincourt):** The member spoke about the financial benefits of this. I just want to say that we in the opposition were briefed on the finances two days ago and we asked a very fundamental question. We said, "Will you give us how you arrived at the profitability in these companies, the earnings in these companies?" That's fundamental to this bill. We're told that in the case of Genco the annual earnings can be \$775 million; in the case of Servco, \$352 million.

We said, "Give us the numbers." They said: "We really can't do that. That may be sensitive information." I come from a business background and I would like to know, before you ask us to approve this, how in the world they arrived at it, because I'll tell you this: For the last several years, Hydro has not paid a penny of its debt. They've paid its interest but not a penny of the debt. As a matter of fact, Hydro had to use a strange accounting trick to prevent them from having to increase the rates. They had to use this unique accounting trick that only they can use.

I say to the public, this will be the biggest business deal in North America probably in 10 years. There are hundreds of millions of dollars to be made on this. The government came to us two days ago with the finances and wouldn't even give us the basis on which they arrived at the earnings numbers. If this is how a government wants to operate, signing a blank cheque without the numbers, fine, but I'm not sure that's how good business people operate.

**Mrs Brenda Elliott (Guelph):** I am pleased to be able to rise and join my colleagues in commenting on Bill 35 and speak to the speeches that have been presented this evening. As a member of the government, I am very pleased to see this much-needed reform come forward. When I was first elected, I was appointed the Minister of Energy. From the very outset it became quite clear to me that major reform was needed in this industry. I can recall, as a new minister, lying awake in my bed at night as days and days passed of more and more stories about the nuclear plants and the regrettable shape they were in.

Ontario Hydro has a very proud history in this province, a very commendable history of providing reliable and for the most part affordable electricity to the province. But like all monopolies, its time, its place in history become altered in changing circumstances. It's been very

clear to me, as a member of this government and as a taxpayer, that the time has come to reform this institution to make it modern, to make it responsive to the needs of our competitors from outside this province and, first and foremost, accountable to each and every citizen in Ontario.

From the first days of our government we have been consulting experts and ordinary Ontarians how best to reform this institution. I believe that in this bill we have found a very workable solution that will serve not only the institution of Ontario Hydro well over the years, but will allow opportunities for change to still occur, as they will in such a major transformation, and also affordable protection to taxpayers.

**The Acting Speaker:** The member for Huron, you have two minutes to respond.

**Mrs Johns:** I'd like to thank the members for Scarborough-Agincourt, Windsor-Riverside, Nepean and Guelph for their comments. One of the important things that needs to be said after listening to the member for Scarborough-Agincourt —

**Mr Gilchrist:** Scarborough East.

**Mrs Johns:** Scarborough East, thank you. How could I forget Mr Gilchrist here?

I'd like to say to the member opposite that the system is not working. Inasmuch as you talk about how you're not uncovering details, you think you're signing a blank cheque, the citizens of Ontario have been signing blank cheques for this company for the last 15 to 20 years. Decisions we have heard through the select committee and through the committee we were on as a result of Bill 35 heard about some of the expenditures that happened under all governments.

Maybe we wouldn't have done it the same way if we had been in government at the time they happened, but the important thing is that the taxpayers are on the hook. They have a \$32-billion monkey on their backs, and it's growing every year. Something has to be done to ensure that Ontario Hydro and the electricity system become more accountable to the people of Ontario, become more accountable to the ratepayers of Ontario, become more accountable to everyone who uses electricity throughout the province.

What we have done is move to make it more accountable by adding competition to the system. We all know that as you add competition, it hones the skills in each area. We believe that as we do, we will see substantial changes in the way that Hydro operates, and it will be better for all of us in the province.

**The Acting Speaker:** Further debate?

**Mr Sean G. Conway (Renfrew North):** I am pleased to join the debate on third reading of Bill 35. I want to indicate that I have 60 minutes and I'll be sharing some of those minutes with my colleague from Agincourt. I want to say at the outset that I will be recommending to my colleagues that we vote against this bill on third reading for reasons that I will entertain and advance in the next few minutes.

I agree with previous speakers who have indicated that this is very important legislation. I would argue that this Parliament, not just this session but this four-year

mandate, probably this decade, will not deal with more important legislation.

The member for Scarborough East, Mr Gilchrist, is also right: It is enormously complicated. I am a generalist. I've paid some attention to this. I say to my colleagues that I don't profess to have the remotest understanding of a number of the intricacies, both technical and financial. But make no mistake about it: This is as important a piece of legislation as I have seen in my time here over 23 years, and most of you will not see anything with this kind of significance and this kind of impact.

Because it is so complicated, because it is so technical, it misses a great deal of public attention. In one way, I deeply regret the process I've seen since the introduction of this bill on June 9. We have paid very little attention, and not just the Legislature. I would chastise my friends in the press. I think this bill deserves a lot more attention than it has received, particularly from the print media. I understand that other things are going on, particularly in the print media. It's certainly not a television story. But there was a time when a newspaper like the *Globe and Mail*, perhaps even the *Toronto Star*, would assign two or three reporters with a strong business background to go at this story and develop it over the course of several days. That has not happened. But, trust me, the day will come when it will capture a lot of attention.

The parallel, and it's only a modest parallel, has to do with property tax assessment, very complicated. Unless you are a municipal clerk, a tax lawyer or one of those citizens who really understands that stuff, it passes you by because it is so complicated. Have you noticed lately the interest once the impacts are being felt by the millions of ratepayers across the province? The interest is definitely heightened. The Legislature has been treated to six or seven or eight different iterations by this government to deal with this complicated problem of reforming the assessment and municipal tax system.

You ain't seen nothing yet. There will be sons and daughters of Bill 35, the likes of which we cannot imagine. I simply want to go on record as saying that this is important, complicated legislation that touches the very essence of our economic and social well-being.

I want to cite a reference from the Consumers' Association of Canada, a group which presented to us in Toronto in August, one of the fortunate groups. We had 91 witnesses who were able to be slotted in to the eight hot, muggy August days. For every one we heard, at least one or two delegations could not be accommodated. But I'm sure that when we next look at the pregnant mares' urine amendment act or when we next revise the warble fly amendment act we will have all kinds of time in peak season to go out and talk to the people, and well we should. I just note that the people of Ontario got eight days in the pits of August to debate the most important piece of legislation that we will see in this Parliament if not in this decade.

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What did the Consumers' Association of Canada say to us when they came to the committee, ably chaired by the



member for Guelph, and presented on August 14? Let me just read in part from their submission.

"Before assessing the legislation according to those criteria, some basic background information needs to be restated. Residential consumers consume approximately 70% of the electric power in Ontario. Collectively, residential consumers will pay the lion's share of the cost of Ontario Hydro's stranded debt and its stranded assets. Electricity is to residential consumers an essential commodity. They cannot live without it. They must be assured the safe, reliable delivery of electricity at a reasonable cost. Individually, residential consumers have virtually no economic bargaining power. That is in stark contrast to the major industrial consumers of electricity and the various entities who would supply electricity in the restructured market. While residential consumers have a real stake in how the electricity market is restructured, they do not have the resources to influence how it is restructured."

They go on to point out, as my friend Mr Phillips did in his comment a while ago, that this is an enormously important commercial transaction. This is a \$10-billion annual business that we are opening up for the first time in a long time, and you can bet that the vested interests are there like the most live sharks in the best pond. We've seen them. I have never seen so many well-resourced special interests and lobbyists on any piece of legislation in a long time, if ever, and that's understandable, because this is such lucrative business.

I don't complain about that, but my question is: Who is looking after the interests of the majority player here, the millions of residential and farm consumers who will be depending on this government and this Legislature to define and defend the public interest? There is abundant evidence from Britain, from Australia and from America that that interest is very seriously in jeopardy.

Let me come to some of my observations about what we heard, and other members have said this. We heard from almost all the deputants that the status quo is not an option, and I agree. I'm not going to try to compete with my friend Mr Jordan, from Montague township, who ably recited the history of the Hydro-Electric Power Commission of Ontario, but I could say that some of the bills that were listed in the early 1990s had everything to do with the way we financed Darlington. We didn't put the cost of Darlington on to the bills until the plant was actually commissioned, and that was widely complained of in this Legislature. The government, to the Te Deum of praise from big business and big labour and many in the community, said, "That's fine." That's what we did. What do you think we got in 1991 or 1992 or 1993 when you start to factor into the bills a \$14-billion capital outlay? Unfortunately it happened when the economy was spiralling into a serious recession.

But what we did was no big surprise. Mr Davis was elected in 1981, with Ernie Eves and Mike Harris at his elbow, saying that that was precisely what they were going to do. I'm a democrat. I don't complain that they won the election with that commitment. But it takes some

measure of chutzpah to stand up and say, "It all started in 1989-90." That is a very convenient but objectionably revisionist take on recent Ontario economic history.

What did we hear? We heard that, yes, the status quo is not an option; just about everybody said that. Almost everyone said that competition in generation was a good thing, and I believe that. Almost everyone who presented said that meaningful regulation of the electricity sector for the first time is a good thing, and my colleagues and I strongly support that. But we heard much more, and that's why I want to take some time tonight to explain why, having voted for this bill on second reading, because like most members, I am very troubled by the state of Ontario Hydro — I just heard a little speech from somebody across the way, and I thought, "The new accountability."

Let me just talk about one recent incident, and I want to be ecumenical, because I remember a year and some months ago when Norm Sterling, the then Minister of Energy, to his credit, sent a strong, sharply worded letter to Bill Farlinger, the chair of the board of Ontario Hydro. Minister Sterling, on our behalf, rightly said, "Before your board acts with undue haste to make some choices around the nuclear recovery plan" — which had to be decided, to be sure — "I want to know that there has been a good and clean canvass of all your options." That did not happen. The minister's letter arrived and was only dealt with at the board after a decision was made.

What do we now know about some of what has transpired? We know one thing we didn't know last year, that the board, under Farlinger's direction, accepted a compensation package, and I'm not even here to talk about the salaries, but the benefits — am I the only one here outraged by the fact that a year and some months ago, on our behalf, the board of Ontario Hydro, chaired by Bill Farlinger, approved directly or indirectly, I say to the taxpayers and the electricity consumers of Ontario, a decision not only to bring in a group of Yankees to try to fix the operation, but they agreed to a benefit package which in the case of Mr Carl Andognini is going to provide to Mr Andognini, after four years of whatever service to Ontario Hydro, a lifetime pension of C\$200,000 a year? That is outrageous and obscene. That happened on the watch of this government, under the very noses of our committee, I say to the member for Huron.

I can't be the only one who is upset about that. I know everybody here has got to be upset. I thought we were going to end that kind of stuff. Can you imagine a scheme where we're paying somebody a lifetime pension of C\$200,000 a year after four years of service at a salary of what is now I think \$1 million-plus. I am just furious about that. I grant you that in the overall scheme of things it may not be a big point. I'll tell you, I was lambasted at home on the weekend over that. I was really struck by how angry a lot of my constituents were. I even got into a little bit of a fight about it at church on Sunday morning, with a good Mike Harris fan, I might tell you. Talk about accountability.

That may be the only thing that has happened that we ought to be concerned about, but that much we know. This

is under the new scheme of things. What else has gone on that we don't know about? There are complicated problems to resolve at Ontario Hydro Nuclear, I admit that. I have said publicly that I was impressed by Mr Andognini, and I'm not even here to complain about his salary, although it does look pretty excessive, but that benefit package is an outrage. How any board of directors could have approved that is just beyond my comprehension. I think I probably speak for the entire House. But that happened, and it just happened a year and some months ago.

What else is going on in the nuclear recovery plan that we don't know? One of the things about Bill 35, I say to my colleagues, is that it is, as the member for Huron said, enabling legislation. It is the Delphic oracle. It can mean everything or it can mean nothing. It can mean X; it can mean negative-X. The standard phrase in this bill is "as decided by cabinet in the regulations."

Now to a central point. I believe that the sine qua non, the essential ingredient that we must provide to get the benefits we all want, is competition. I have quoted ad nauseam the work of the Macdonald commission, the advisory committee on electricity restructuring chaired by the former federal finance minister, served on by the former provincial finance minister Darcy McKeough and a number of other bright people. What did they say when they gave advice to the government and the Legislature two years ago? Let me tell you what they said. They said that a fundamental ingredient to this policy change, which they endorsed, was competition in generation, which they argued had to be accomplished by the unbundling of the Ontario Hydro generating assets. If you didn't do that, they argued, you would not and you could not get the benefit of competition in generation, which is 70% of the bill. The government of Ontario says it wants competition, but in its white paper and in this legislation they have specifically precluded the unbundling of Ontario Hydro's massive generating capacity, and for that reason alone I stand here to say nyet, no, to this policy.

**2000**

I am personally convinced that what we have to do, and what we're not doing, is unbundle that generating capacity at Hydro into three or four or five publicly owned competing generating units. If we don't do that, we are not going to get the juices of competition on the big part of the bill. Not only did Macdonald say it, but the Market Design Committee said it and a variety of other people have observed the same point. There probably will have to be the injection of some private equity in that process, and I am quite prepared to consider that. I am not interested in a wholesale privatization of Ontario Hydro, but I want the benefits of competition. I understand, as Macdonald did and as the Market Design Committee did and as a variety of other people — I can quote a *Globe* and *Mail* editorial. They make the point that knowledgeable experts, to almost a person, are agreed that that is an essential. We're not doing that.

What else are we doing? I went to the committee thinking that what we're going to do in this process is, in a

difficult circumstance, inject some competition into generation, so that is going to mean that there will be a reduced role for Ontario Hydro in generation. I personally believe and my colleagues believe that it should be broken up into three or four or five publicly owned companies competing against one another. I certainly believed that on the distribution and services end we would have many fewer utilities, and on that I think we all agreed as a committee, and I certainly expected that we would see a substantially reduced role for Ontario Hydro retail in southern Ontario.

What did we get at the committee? Who could forget that day, I think it was August 11, when Ron Osborne, the chief executive officer, came before us — my friend Phillips was there — and said: "No way. I intend to expand Ontario Hydro retail. I'm going to grow the company." He said, in a famous phrase, "Listen, this is all about eat or be eaten, and I don't intend to be anybody else's lunch."

By about day two of the hearings, I was sitting there with this conundrum. I went into this exercise thinking we were going to get true competition in generation and we were going to get a streamlined, reduced Ontario Hydro retail in southern Ontario and encourage a reduction of the number of municipal utilities, and we would get more private sector players in the services business, and we might get situations like we got in Cornwall, where a private company came in and bought the franchise for electricity distribution. I never imagined that what we were going to get was a bigger Ontario Hydro, and that is the fundamental problem.

I think this government has been hoodwinked in a way that all previous governments would appreciate. I think you started out going in this direction to get competition and a reduced role for Ontario Hydro, and Hydro has made no secret of what their ambition was. Somewhere along the line they got Jim Wilson to embrace it. What's the new vision? A big Hydro with at least 30,000 megawatts of electricity, a bigger not a smaller presence in retail, and we're going off to the United States to do business. That is an interesting policy objective, but I have to tell the House that is not what we set out to do. That is a very radical departure from what we started out to do, and I am deeply troubled by that.

Let me repeat, my colleagues and I support competition and we support regulation, and it's not easy. If we change places tomorrow, I am not under any illusions about the difficulty of some of these choices. But we have to decide, as Macdonald and others have told us, what do you want to do? If you want competition, you've then got to do those things which are going to give you the competitive benefit, particularly on the largest piece of this business which is generation, and that's 70%.

I want to say, on behalf of my colleagues, that we are very, very troubled by what we see as a sharp change in government policy. I spent some time listening to the Hydrocrats. Their position hasn't changed from day one. What they've want is to remain big; they want to be stronger not weaker. They understand the problems with market power. They will tell you: "Yes, now in the



competitive marketplace, with 85% or 90% of the market share, there's a problem. We'll solve that by going south. We're going to Kentucky and Tennessee."

I look at this and say that Hydro appears to have won the day. They have more than won the day because when I went with Phillips the other day and looked at the financial breakout, the assignment of debt, what did I see? I saw a remarkable presentation. Ontario Hydro's generating assets, which are all going to be kept together, are going to be put in a new company called Genco, as the members opposite pointed out. Genco is going to be given \$1.8 billion worth of the nearly \$40 billion worth of Hydro debt. It's got a value, they say, of \$5 billion.

Do you know what we're giving Genco? Just so you know, Genco is going to get some 69 hydroelectric plants with an installed capacity of 7,134 megawatts. They're going to get eight fossil plants with installed capacity of 12,391 megawatts. They're also going to get the nuclear problem, and it is a problem. But it may not be the problem that some imagine. Just setting the nuclear part of it aside for a moment, Genco, which is estimated to be worth \$5 billion, is going to get 20,000 megawatts of installed hydroelectric and fossil-fired capacity. Wow.

Wall Street will be wetting its pants over that. That is enormously attractive business. I see the Wall Street Journal reported the other day that these power plants, fossil and certainly those hydroelectric numbers, are fantastic by American comparison. These conventional power plants, that is, non-nuclear, are commanding enormous prices on the market in the United States in recent days. So you betcha.

Another reason I won't sign on to this policy as presented to me is I believe that we have seriously underassigned Hydro debt to Genco. I think we have created a very, very valuable asset for Mr Farlinger to take into the commercial world. What did we see in Britain particularly? The scandal of the British deregulation was a fire sale of very valuable public assets.

**Mrs Johns:** That's not true.

**Mr Conway:** That is true. Any objective analyst who looks at —

*Interjection.*

**Mr Conway:** You know how true it is? It's so true that in the new government they've imposed an excess profits tax because they were so advantaged by the disposition of some time ago. We have been told by a number of experts that is a very real concern.

I chuckle when I see — we were treated the other day to Goldman Sachs being there with the red suspenders. When I read the Wall Street Journal, who's acting for purchasers and sellers? Of course, Goldman Sachs. They're all over the place. Talk about money. They are going to make — I don't complain about that. Whose interests are they protecting, I ask. Who's protecting the interests of the millions of residential and farm customers? I'm going to talk a little bit more about that in a moment.

**2010**

I was stunned, as I think many were, the day that Osborne walked in and said, "We're going to grow the

retail company." If you're really a cynical oppositionist you might say: "Harris is going to starve these municipalities. He's going to put them in such a corner that he's going to make Joe Blow, mayor of Four Corners, Ontario, entertain a bid from whomever, Genco or Union Energy or Enron." "Come on, we'll give you \$30 million or \$40 million or \$60 million or \$80 million for your municipal electricity franchise, because we know you need the money." I'm telling you that is going to be a real issue. Municipalities — listen, one has already done it and I presume it has met with the approval of the people of Cornwall.

In my part of the province I think, and I suspect I speak for more than a few people across the way — I'm looking at my friend from Stirling, Rawdon township, and I'm just thinking what people in our part of eastern Ontario might think when they read in the Belleville Intelligencer or in the Lakefield Trombone that Ontario Hydro has come to buy out their retail electricity company. I've got to tell you, that's going to be news in my part of the province. I may be misreading my voters, but there is no one I know who's expecting this policy to spawn a bigger, more aggressive Ontario Hydro retail. I didn't think that's what we were doing, but that's what we're doing apparently.

Let me tell you, we did not in this committee pay nearly enough attention to Servco. There is a real financial story at Servco. I think without a doubt that we have created a situation in this legislation, loudly complained of by a number of people in places like Huntsville and Lambton and North Bay, to the effect that we have tilted the ground legislatively in favour of giving Ontario Hydro retail an undue advantage in terms of expanding their retail power, their retail mandate. We'll see what we'll see.

I wouldn't want to quote some of the testimony but I'm going to tell you, the general manager — and my friend from Guelph might remember this. Do you remember Mr Wills, the general manager of North Bay Hydro? I hope he has a word with his local member. He's just one; there were many others. I cite this evidence as simply an example of why my concern has heightened, not reduced, in the course of the last two or three months.

The question of rates is absolutely critical. We hear these pious platitudes offered by government members that this will bring rates down, that there's no evidence of the contrary happening. Let me tell you that's not true. But I think we had and my friend from Windsor-Riverside had a number of amendments that simply reflected the testimony. We had several people who came to the committee and quite legitimately said, "Listen, why don't you amend the purpose clause of this bill to make it a purpose of the energy restructuring legislation that you shall promote lower-cost energy for all consumers?"

The government wants no part of that and that's left a lot of consumers very dubious. They talk about, "Well, it's in the title of the bill," where it has absolutely no meaning. Where it has meaning is in the purpose clause of the bill. My colleagues in the Liberal Party, and, to be fair, Mr Lessard and the New Democrats, put forward amendments to simply say, "Let's amend the purpose

clause of the bill to give that as an additional purpose," and the government used its majority to say no to that.

What are we seeing about rates? I was anxious to share with my colleagues who were giving these little speeches a moment ago the New York Times last Sunday. For those of you with an interest, you should go and read this. There's an article in the Sunday New York Times, October 25, 1998, talking about consumer revolt in California. What's happening in California? They were one of the first US states to get into the deregulated market. I want my friend Jordan to listen to this, because he made a very good point the other day in the briefing of which I was a member. What are we finding in California where when they passed their legislation the state Legislature mandated a 10% reduction in rates for residential and small business consumers? According to the New York Times on Sunday, we've got a revolt. They are mad as hell, not just the residential consumers and the farm consumers but the small commercial consumers. Why? Because they are finding that they are not getting the benefits. Big business is getting a quick, significant benefit.

Where my friend Jordan's point of the other day comes in, do you know what's happening in California? The rate has been reduced but the bill is going up, because of course the big three in California are now layering all manner of special charges on the bill, and particularly on the bill for the most defenceless, the big base of unorganized residential customers and small businesses.

California, the article says, "has become the flashpoint for consumer discontent. Since residential power service was opened to competition earlier this year, the electric bills received by California households have shown [the] mandated 10% discount. But the bills now include a variety of additional charges," including a stranded debt and stranded asset charge. Consumers are noticing that when you add that all up, it is wiping out any gain for them; not so for the big consumers. Read this article, a very interesting article about what's happening once we get into it.

Did anybody read the stories out of Alberta this week? You might say, why is Conway obsessing about the size of Genco? The fundamental problem with a generator that's got that much of the market share — 85%, it is expected, on the day the market opens — is you're not going to get other people to come in. They're simply not going to do it.

Again, I brought the clippings, a couple of articles in Tuesday's and Wednesday's Globe and Mail. They had power blackouts in Alberta last Sunday. Thousands of Calgarians sitting down to dinner Sunday night and they had no power. All kinds of farmers out in rural Alberta and they had no power either. This wasn't an accident. This was a mandated blackout because they have not got new people coming into the market. Why? Because their three existing players are thought to be so strong and so advantaged by the restructuring legislation that what they've got is growing demand but no growth in supply. So now they are looking at blackouts, and this is just the first of many rounds.

Let me tell you, if you live in Listowel or Pembroke or St Catharines or up in Vaughan township, you are not going to be a very happy customer if you're treated to this kind of rotating blackout. It's not fictional, it's not imaginary; it's happening. One of the reasons it appears to be happening in Alberta is market power, and they've got three players. We're going to have one leviathan, one gargantuan utility.

The member for Huron is right in saying we're going to have all kinds of mitigating measures, and I agree. There are going to be price caps, but they are all second- and third-best choices. Everybody who has looked at it said: "That stuff is going to be very difficult to manage. You've got a much cleaner, easier way to get the benefits of competition, and that is to break them up into four or five publicly owned but competitive utility companies." We didn't do that. I tell you, when I look to California and I look to Alberta, I get troubled by what I see because the Ontario situation is, I would submit, more complicated than California and more complicated than Alberta. I agree with the comments earlier about the particular problems we have as a result of the nuclear situation.

Here's that Globe and Mail clipping I was talking about. On Saturday, August 15, 1998, the Globe and Mail editorializes, "Trim Hydro, don't bulk it up." Let me read one paragraph.

"The experts are virtually unanimous: Keeping Hydro's generating assets in a single post-breakup entity will significantly reduce the benefits of electricity competition for Ontarians. The only virtue of keeping Hydro's generating assets in a single entity is that it will be, well, big, which is what Hydro has always wanted. But being oversize, impervious to criticism and crown-owned is Ontario Hydro's whole problem." I agree with most of that, and so do a lot of other people.

## 2020

Rates are an issue, obviously. The government would not accept amendments from the opposition reflecting many submissions to the committee that there should be some meaningful protection for every consumer group on the rates side, absolutely no consideration of that.

I think the reality of other experience is clear. The people who are going to benefit in a significant way early on are big industrial and commercial consumers of electricity. They, I will submit, will get the big, immediate benefit. Because of their size and sophistication, they will be able to hire the Jim Flaherty's of the world to go to these various boards, agencies, and commissions and government and find a way to avoid paying their fair share of the cost of the stranded assets and stranded debt, while Mr and Mrs Ontarian living out in Westmeath township in Renfrew county are not going to have a similar luxury. They are going to depend on the Legislature and on the government to recognize, define and protect their public interest.

We know, for example, that when we move to a competitive marketplace in generation, particularly over the next few years, we are going to be relying to a greater extent on fossil-fired electricity. Yes, over time we're going to move to more combined-cycled, natural-gas-fired



electricity. That's going to take a while to get up and running. In the next few years, we are going to see, in Ontario particularly, a greater reliance on fossil-fired electricity. That is clearly going to mean, as many important submitters to the committee made plain, a very real pressure on our air quality.

The Ontario Medical Association came to the committee in Mississauga. Dr John Gray and his colleague Ted Boadway made a very powerful submission, saying there must be a commitment on the part of the government to mandate emission caps on the various pollutants that we know are going to be increased because of our move to a marketplace in generation, because we're going to get more coal-fired electricity.

If you thought this summer was a smog-ridden time, you wait for the next couple of summers, on the basis of what a lot of people are saying. That's not Conway talking. If you want to read the submissions, there were very powerful submissions by, among others, the Ontario Medical Association about the first-order importance of imposing emission caps on a variety of pollutants that we know we're going to be exposed to in a greater way because of the new marketplace, which is going to depend, in the first few years at least, on more, not less, dirty, coal-fired electricity.

Have you noticed what the United States government has done? That's something we haven't even talked about. They've introduced new clean air standards for utilities in the United States, and presumably for Ontario Hydro if it wants to do business in Ontario. But a strong argument from a wide range of people: "Legislate emission caps before the market opens." The government would not accept amendments to respond to that very legitimate environmental concern expressed by doctors, by students, by experts and other people in between.

A couple of other quick points before I turn the floor over to my friend Dr Phillips. The government of Ontario is in a deep conflict of interest in this policy. Mr Phillips will talk about what we were told the other day. What a show. What a performance. We had the red suspender crowd come in. You've got 10 minutes to ask a few questions about these people, and that should just about do it.

If I weren't so cynical these days about the growing irrelevance of this place, I would say this is a true contempt of the Legislature, but most people wouldn't know what I'm talking about because it is *de rigueur* today to be contemptuous of the Legislature and of Parliament. That performance we saw the other day was a pretty splendid example.

Here's what we're being told: "We're going to cap rates. Don't worry." That was one of the headlines. "There's not going to be a problem on rates." But as Mr Phillips will say, we look at the new structure. We're going to have, for the first time, new hydro taxes. Harry, you're going to be interested to know, and a lot of your constituents are going to be interested to know, that if you just take the taxes that Genco and Servco and the municipally owned utilities will now pay for the first time on their businesses in lieu of provincial and corporate

taxes, do you know what that is on an annual basis? One billion, fifty million bucks; and they're going to pay \$1 billion worth of provincial and federal taxes, they're going to pay hundreds of millions of dollars in dividends and special charges, they're going to pay higher property taxes and they're going to be paying for acquisitions. All of that is going to happen and rates aren't going to go up. Hallelujah, Social Credit lives.

I can't meet very many experts who tell me that in the first three or four or five years of this exercise it is going to be possible to keep the rates from going up. The one way you might do it —

*Interjection.*

**Mr Conway:** Well, a very colourful politician.

Did you see today's Toronto Sun? Donato's cartoon has it bang on: poor old Joe Q. Taxpayer carrying as big a burden as ever. All I'm saying is that knowledgeable people who understand the rate business better than I tell me, "You are not going to restructure in the first few years and pay these new taxes, pay these new dividends, pay these increased property taxes, pay for acquisitions, pay for other things and keep rates down." The only way you'll keep rates down is, God knows, by manipulating things in ways that we know Hydro is famous for.

The government of Ontario under this legislation is in a complete conflict of interest. I don't mean this as a partisan criticism of this government. If I were the Minister of Finance under this bill, I would be a referee with more power than you can imagine and a referee with a real interest in the results of the game.

I'm that farmer in Westmeath township in Renfrew county; I'm the shoe clerk in Bancroft hoping that Conway and Phillips and Danford and Jordan are going to protect my interests. If I hear anything about what the government's stake in all of this is, I have a right to get very worried. The government has a huge corporate interest.

I've played a lot of sports in my day. I never like to be in a game where the umpire has a big interest in the outcome. Under Bill 35, let me tell you, the Ministry of Finance, on behalf of the government of Ontario, has a huge interest. You might say, "How?" Let me give a few examples. The Minister of Finance gets to make all the calls about when the stranded debt is paid off. When it's paid off you know, for example, that there's going to be \$1 billion — according to the estimates the other day — of new taxes.

Where do they go? They go to the Ontario treasury. Who among us, as Treasurer, wouldn't want to get at that as soon as possible? If you're a ratepayer in Lambton county, if you're the former mayor of Petrolia, you might say, "I want that stranded debt paid down over a longer rather than a shorter period of time because that's going to ameliorate the rate." The shorter the period, probably the greater the upward pressure on rates. If you're Marcel Beaubien, citizen, or if you're Sean Conway, Treasurer, you've got a very different perspective. How the minister relates to this financial company, the possibilities there are phantasmagorical. I suspect that we will be reading a lot of front-page stories in the National Post and the last post

and the about-to-be-acquired Toronto Sun empire in the years to come.

There is a true moral hazard in this policy with our friend Farlinger now being presumably in charge of the very valuable generating assets and sitting on the board of Newcourt Credit. I don't know how he can manage the responsibilities for Newcourt and the Ontario Hydro ratepayer at one and the same time but he's going to — another conflict of interest. The conflicts of interest are everywhere. I don't feel very comfortable that this is going to work out to the advantage of the broad base of residential and farm customers.

For those and other reasons, I say with some regret, I strongly recommend to my colleagues that we not support this bill on third reading. What I really would like to do is send this back to the drawing board and say: "Listen, there is a problem, we all agree, and there is a consensus around some of the fix. Let's just do what we say we want to do. If you want competition, let's do the competitive thing." Let's tell Ontario Hydro that their imperial ambition to remain big and powerful and head to the green grass of Kentucky is for another day, if ever. That's not what we're about, though they may want it.

With that, I'm happy to yield the floor to my esteemed colleague from Scarborough-Agincourt.

2030

**Mr Phillips:** I appreciate the chance to join the debate on Bill 35. My biggest interest in this is on the financial side of it, and my colleague Mr Conway, who I might say has spent an enormous amount of time on this issue, spelled out for us the basic concern, that there was an expectation that there was going to be some fundamental change here and that the end result could have led to a far more efficient generation of power in Ontario, to the benefits that would accrue through the normal competition in the marketplace, and that we would take advantage of this once-in-a-generation opportunity really to restructure Hydro.

When I attended the briefing two days ago with the very high-priced help that had been hired by the taxpayers to give us advice on the finances, what we got was something that I don't think any business person ever would have accepted. We were told, "Listen, the most recent annual report of Ontario Hydro shows that Ontario Hydro essentially broke even in 1997." They paid down no debt, they essentially broke even, although they had to record, or they did record, a net loss for the year of \$6.3 billion.

Here's the situation. In the year that the most recent financial statement is available for, the year ending December 31, 1997, Ontario Hydro paid down no debt, they made about \$250 million before corporate write-off, they wrote off \$6.5 billion of expenses and showed a net loss of \$6.3 billion. That has been the case for the last two years. They paid down no debt and have recorded substantial losses. The combined loss they had to record over the last two years is about \$8 billion.

But now we were told in this briefing that magically this happened: Genco, as my colleague Mr Conway said,

essentially is the new company that will take all of the existing generating plants, all of them. They'll go into one company. Servco will take all of the distribution company, the lines that we see Ontario Hydro stringing, and for many people in Ontario — I'm one of them; I am an Ontario Hydro retail customer; with the line coming into my house, I pay Ontario Hydro for electricity on that — that will be split into a separate company, and there is in total a debt of \$39 billion. We were told this: that magically, just by breaking the two companies up and with no change in the rates, this company could begin to not only turn a profit but indeed pay down that almost \$40-billion debt over a relatively short period of time.

We said: "Can we see the numbers? Will you give us a profit-and-loss statement, how you arrived at that?"

**Mrs Johns:** And they did.

**Mr Phillips:** They didn't do that. They refused to do that, as a matter of fact. They did not supply that. They still have not supplied that.

**Mrs Johns:** Yes, they did.

**Mr Phillips:** Here's what they gave us.

**Hon Jim Flaherty (Minister of Labour):** Come on, they were all there.

**Mr Phillips:** I was there, and they said, "We can't do that because it is competitively sensitive."

*Interjections.*

**Mr Phillips:** If the member for Huron thinks we are going to accept five numbers, well, I'll tell you, I don't accept it. No business person would accept it. Nobody would want to run a business that way. But you have the government saying that just by breaking these two things in half suddenly you're going to turn a magical profit. We said: "How did you get earnings of \$760 million? How did you suddenly arrive that you could pay almost \$1 billion in taxes that weren't paid before?" And they refused. I'll tell you why I'm so suspicious. I think it is wrong —

*Interjection.*

**Mr Phillips:** Mr Flaherty, they didn't provide it. If you provided it, table it today. You didn't. Table it. Bring it over right now. You didn't provide it.

*Interjections.*

**Mr Phillips:** You see, that's the problem: You didn't provide it.

*Interjections.*

**The Deputy Speaker (Mr Bert Johnson):** Order, order. If you persist in wanting to get into the debate and you're not willing to take your turn, then I'll ask you to leave. I want to hear the person who has the floor and I don't want to hear others. I recognize the member for Scarborough North.

**Mr Phillips:** There is the P and L statement. It's just five numbers. If you went to your local bank and said, "I'd like to get a loan on this," they would laugh you out of the office.

I'm just saying to members that my first suspicion was, and my colleague mentioned it: Mr Farlinger is the chair of Hydro, a well-regarded person, a close personal friend of the Premier, one of the people I gather who got the Premier to run for the leadership and that sort of thing.



The day I saw his picture in the paper on the board of Newcourt finance — and that's a well-regarded company as well. Newcourt is a company that will without doubt down the road — their business is funding companies that will compete with Hydro. I thought, here is somebody the taxpayers are paying, I think, \$400,000 a year or thereabouts to look after the interests of the shareholders of Ontario Hydro.

**Hon Mr Flaherty:** That's low-life stuff. You wouldn't say that out there.

**Mr Phillips:** Mr Flaherty says, "Low." I don't think he should be on the board.

**Hon Mr Flaherty:** I don't think you would say it outside. That is low-life stuff.

**Mr Phillips:** I will say it inside and I'll say it outside, as I have. I think it is incorrect for someone like that, for the chairman of Hydro, to be on the board. I just think it is wrong. Mr Flaherty says, "Say it outside." I've said it many times. I said it publicly. I said Mr Farlinger is a well-regarded person, Newcourt is a well-regarded company, but I don't think the chairman of Hydro, who is looking after the shareholders' interests, should at the same time be on that board. I just don't believe that. It's something, as I say, that I will say anywhere.

I frankly found unacceptable the way Ontario Hydro keeps its books. I was very interested in reading in Ontario Hydro's report that they did not follow generally accepted accounting principles. They decided to write off that \$6 billion and, as it says here, that didn't follow generally accepted accounting principles. I think that was wrong. I don't think they should have done that. As a matter of fact, the province itself, in its own books, its Ontario budget books, tried to do the same thing and the auditor said, "I won't sign the books if you do that," and forced the Ontario government to change the way it reports its finances. I think Ontario Hydro has done the same thing and I'm looking forward to the auditor's report. I hope the auditor has looked at this and I hope he will point out that writing off the things Ontario Hydro wrote off, using what is called its unique rate-setting authority, was inappropriate.

Why do we on this side look at these numbers with suspicion? It is for those reasons. I go back over what happened to us two days ago. Here we are being asked to approve a bill that, as my colleague Mr Conway said, is certainly the most significant financial bill that this House will deal with in 10 years. This will probably be the biggest financial endeavour in North America, certainly in this year and probably for the next five years.

2040

We were told that we wouldn't get the background on how they arrived at \$776 million of profit and, as my colleague Mr Conway points out, how they arrived at a total of \$1 billion in new provincial and federal taxes, about \$400 million in new property taxes and some estimate on net income, a substantial amount of net income. Yet tonight we're being asked to approve a bill that will essentially give the government carte blanche to do that. As my colleague Mr Conway said, where are the

savings in this? Where are the things that are going to result in Hydro — which has paid down no debt for two years and as a matter of fact has recorded roughly an \$8-billion loss in two years — suddenly, magically being able to pay down \$39 billion of debt over a 10-year period just because you set up Genco and Servco?

My colleague Mr Conway pointed out another reason we get concerned about the finances of Hydro. The benefit package given to new employees who joined Ontario Hydro to deal with nuclear was by any standard exceptional. To be guaranteed, after four years in an organization, a \$200,000-a-year pension for life is exceptional. The amount of money it has cost Ontario Hydro to provide that benefit is incredible. If it is the mindset at Ontario Hydro that this is acceptable, that this kind of deal is quite all right, that there is nothing wrong with it, if the Ontario Hydro board said when they looked at it, "This is something we're quite prepared to offer," I say they are operating on a different wavelength than I am and a different wavelength than I think Ontario is operating on.

So you go through all those things: Hydro deciding, and the term in here is, "to not follow generally accepted accounting principles," to use their unique rate-setting authority to write down \$6.5 billion, many of the costs for things that are going to be incurred in 1998-2000, that should have been in the books for those years. If that is acceptable, then I repeat, and I will say inside the House and outside the House, that I think the chair of Hydro has a responsibility to the shareholders of Hydro, namely the public, to be single-mindedly focused on that for us. A Hydro board that believes it is acceptable to offer those kinds of benefits is on a different wavelength than we are.

I return to the fundamental point that Mr Conway makes, as we embark down this road of fundamental change to Hydro. It is fair to say that in the hearings travelling across the province I don't think there was a single person who didn't believe there had to be fundamental change in Hydro. Certainly Mr Conway spelled out our belief in the need for fundamental change. But in the end what are we left with? Essentially Hydro retains all its generating capacity. It sets up a distribution service that I think, as Mr Conway points out, will have a lot of clout to actually get bigger, not smaller. It will go from municipality to municipality — I think it's doing that already. Municipal electrical organizations are extremely worried about the predatory approach of Ontario Hydro.

It does allow for some new generation, and I don't think there's any doubt there will be some new generation plants coming on to cream off the best possible users for Ontario Hydro. We found that in Sarnia, where there will be a new generation plant set up. It will take away from Ontario Hydro some of its perhaps most profitable customers.

You take all of those things and add them all up and we are left with approving a bill without the proper financial information, in my opinion, where the fundamental objective of the bill, to encourage substantial competition in the generation area, has not been met. You wonder why there's disappointment after all this effort when we

thought there was going to be a significant benefit, particularly to the residential users, and I don't think it's there.

**The Deputy Speaker:** Comments and questions?

**Mr Lessard:** I want to thank the member for Renfrew North for his comments, which I know are going to be discounted by the members of the government because they don't respect the fact that for 23 years the member for Renfrew North has lived and breathed Hydro issues and the knowledge and experience —

**Mr Ernie Hardeman (Oxford):** That's not true. That's not factual.

**The Deputy Speaker:** The member for Oxford, would you please withdraw that remark.

**Mr John Gerretsen (Kingston and The Islands):** Come on, withdraw the remark, Ernie.

**The Deputy Speaker:** Have I got the wrong member?

**Mr Gerretsen:** No, you've got the right member. That was a nasty thing to say there, Ernie.

**Mr Hardeman:** I withdraw, but I don't know what I said.

**The Deputy Speaker:** Thank you. The Chair recognizes the member for Windsor-Riverside.

**Mr Lessard:** How many people in this Legislature can say they've read articles in the New York Times recently that talk about what Ontario Hydro has done? Obviously he has some real fascination and interest in this issue and his experience and knowledge is something we should take seriously. He talked about 70% of the market for Hydro in Ontario is represented by small residential and farm consumers. They are the people who are going to end up paying the bills for the mismanagement of Ontario Hydro over all of these years; it's the large, corporate consumers that are going to be able to end up with favourable rates. Why are they paying? They're paying for the mismanagement of Hydro that has occurred over a number of years, but that large debt has built up primarily as a result of the construction of the Darlington power plant that was started by the Progressive Conservative government.

This legislation is not going to result in more competition. It's not going to result in the reduction of Ontario Hydro retail. It's going to result in Ontario Hydro getting bigger, moving into the United States market and, when they're making those decisions, completely unaccountable to the government of Ontario. They're only going to be accountable to their board of directors. When they have to make a decision whether they're going to serve the market here in Ontario or their big corporate customers in the United States, I'm afraid that rates are going to go up for consumers here and we're going to have blackouts like they do in Alberta, as the member said.

**The Deputy Speaker:** I want to address a remark, if I could, to the member for Oxford. I have no mistake about what I heard. I do have a question about where I heard it from, and if I've made a mistake, my apology. The Chair recognizes the member for Huron.

**Mrs Johns:** After hearing the last 60 minutes, I feel like starting off by saying the sky is falling, the sky is falling, my God, the sky is falling. What I heard over here

was: "The system isn't working. I don't have any solutions for you. I don't like what's happening now. I don't like what you're doing and I'm not offering any other solutions." From that I've got to say that we've asked all the way along in committee: What did they think was the stranded debt number? How did they think we should proceed? What did they think of the Market Design Committee? But the sky is falling.

I'd like to say that the Market Design Committee suggested very strongly in its third report that you can obtain competition when you have a generator with 85% capacity. They have said that you can do that by bilateral contract, by leasing, by any number of methods, and in our amendments we made sure that those opportunities were available so that we could ensure there was competition in the generation sector. The member opposite fails to tell the public we did that.

**2050**

They talk about Genco and its stranded debt. The members opposite fail to say that if we're wrong on the numbers and all of a sudden Hydro or Genco or Servco gets a AAA credit rating, they'll have fewer expenses and more earnings. Where do the earnings go? The earnings go to the taxpayers of Ontario and that gets put against the debt.

Once again, the sky is falling. God help that the taxpayers of this province get this monkey off their backs. I have to say that things have been a little one-sided tonight, but we have to recognize that this company is not working the way it is right now, and they need management and a good system.

**Mr Bruce Crozier (Essex South):** I'm pleased to comment on the speeches of my colleagues from Renfrew and Scarborough. What we should understand in these debates is that it's an opportunity for each of us to put our view forward. As the member for Huron just said, if the sky is falling in — I think in fact she said the sky is falling in — that may be the case, but if you listened to what was said tonight and if you have any doubt whatsoever — and that's all we really want to do in these debates: determine whether there's any doubt.

All that was suggested was that if we haven't met in this legislation the objective we set out for, then it's time, and we still have time, to take a step back and look at it again. If you don't do that — I understand the vote will be taken on this tomorrow — then it's too late. If there is any benefit at all to be derived from debates in this Legislature, it's the opportunity to think about it, because the mistake, once made, if the sky does fall in, it's going to be too late. We have to absorb what was spoken about earlier this evening, and there will be more said about it tonight. But before that vote is taken tomorrow, I suggest that you have a look at Hansard in those areas that you can't quite recall what was said, listen to what the member from Renfrew said, listen to what the member from Scarborough said and think about it.

**Mr Jordan:** We're listening to what you're saying.

**Mr Crozier:** I'm glad you are listening to what I say.

**The Deputy Speaker:** Time has expired. Comments and questions?



**Mr Tony Martin (Sault Ste Marie):** I want to thank the members for Renfrew North and Scarborough-Agincourt for enlightening us tonight as to the real issues in front of us as we debate this privatizing of Ontario Hydro. It's passing strange in this place these last three years that no matter what the problem or the issue, the answer is always, "Let's privatize it." That's the simple response to all that ails us, "If we privatize Ontario, then all will be better."

The member for Scarborough-Agincourt referred to the appointment of Mr Farlinger by the Premier, not long into the tenure of this government, to fix up Ontario Hydro. We should have known from that that something extraordinary was about to happen. Mr Farlinger turns around, and as this government is wont to do, finds the highest-priced American consultant he can find, who have nothing usually in their portfolio but American experience, to come in here and tell us in Ontario how to run our business, how to do it properly, how to make sure that the private sector makes loads of money and that the ordinary citizen, the consumer, gets soaked.

I want to raise the red flag, as the member for Renfrew North did, on this question of privatizing resources such as hydro or water or health care in this province. If you're not careful, you will end up at the end of the day with problems on your hands that will make the problems we're dealing with now under the aegis of Ontario Hydro seem like just so much child's play.

**The Deputy Speaker:** The Chair recognizes the member for Renfrew North.

**Mr Conway:** I appreciate the comments. The debate's nearly over; it'll be over in half an hour. I'm reminded that last week the 105th Congress left Washington after passing a \$500-billion federal budget. At the end of it, Senator Moynihan said that nobody there knew what was in it. He hoped that there were some good things in it, but it was so big, so complicated, that no one, he said, knew what was in it.

Quite frankly, the problem with this is it is a matter of how you read the situation. I understand the differences of opinion. At the end of the day, this will be judged by its performance in the marketplace. This bill, because it is so wide-sweeping, so regulatory, can mean any number of things. There's no one in here, particularly the government, who can tell me what it may mean because by the very nature of the legislation it can mean a variety of things depending on the application as decided in the regulations.

Ms Johns said it herself — or somebody, Gilchrist — "Well, of course, this is all preliminary." It's going to be preliminary from now till doomsday. I hope I'm wrong. I submit the evidence from jurisdictions like California and Alberta where they're now months or a couple of years ahead of us. I submit again, that we said we were about competition. The government has clearly and manifestly and premeditatively done that which precludes competition. That, more than any other reason, is why I oppose this bill as written, in addition to which it is very clear that the average residential and farm consumer has no

guarantee that they are going to share in equal measure and at the same time as big business in the so-called advantages of this policy. If this policy works for Bay Street and not for Main Street, I for one, am happy and proud to reject it.

**The Deputy Speaker:** Further debate?

**Mr Lessard:** I have to disagree with the member for Renfrew North. The debate isn't over. We still have a few more minutes left to try and bring some sense of reason to this government.

This is one of the most important financial undertakings that this Legislature is probably going to be involved in for the foreseeable future. The fact that on third reading debate we are going to dedicate a mere three hours to discussion of this legislation I think is to do a disservice to the taxpayers and hydro consumers in Ontario, especially in light of what the member for Huron reminded us; that is, that the sky is falling. She stole my line. That was how I was going to start out tonight.

Most people who don't know this bill got introduced during the summertime and don't know about the hearings that were undertaken by the committee, have no idea of how this legislation is going to impact them as far as rates go. They have no idea of the importance of this legislation. The fact that we only have three hours of debate this evening is not going to do anything to bring to the attention of Hydro consumers in Ontario the impact of what it is we're doing.

I really do think it's going to have a negative impact on rates. I just cannot foresee this government's prediction that rates are going to go down because: "Hey, we've looked in other places and they've gone down, so they're going to go down in Ontario. It doesn't matter how unique the conditions are here in the Ontario market. Trust us, rates are going to go down."

I sat with the committee as we did the hearings during the summertime, a mere eight days of hearings, but we did have an opportunity to hear from a great number of people who had a whole lot to say about what was taking place here. It's interesting to have been witness to that exercise and to have been part of it and to have seen how much the agenda changed from when the government first got elected to when this legislation finally got introduced and what direction we're taking by passing it in third reading.

#### 2100

Everybody will remember this. This is the Common Sense Revolution. This was waved around in this Legislature quite a bit before the last election. This is what it says with respect to Ontario Hydro. There will be a rate freeze. That's good for consumers. But it says, "This may mean more changes at Hydro, including some moves towards privatization of non-nuclear assets." That's it. That's all it says about Ontario Hydro. But we know that what's being undertaken in Bill 35 means a whole heck of a lot more than what was set out in the Common Sense Revolution.

When we started down this road, it was all about competition through the breakup of Ontario Hydro, and when this legislation was introduced I indicated, on behalf

of our caucus, that we supported competition in electrical energy marketing. However, that isn't what's happening here. Time after time this government says that competition is going to lead to lower rates. But what they fail to say is that what they're introducing here has nothing whatsoever to do with the introduction of competition into the Ontario marketplace. That's not what's happening here.

What is happening, and the evidence is very clear and we heard it time and again from all the presenters, is that Ontario Hydro is going to get bigger, they're going to move into the United States to compete and we in Ontario are going to be subject to the decisions that are going to be made by a board of directors who no longer are accountable to this Legislature for the decisions they make.

There are a lot of people who are concerned about the impact that these decisions are going to have on their rates, and justifiably so. We heard that time and again from people who came to present to our committee and we reminded the government during clause-by-clause hearings that what the minister said upon introduction of the bill was that competition was going to mean lower rates. This bill was all about providing benefits to consumers in the form of lower rates, and in fact the bill's title says "An Act to create jobs and protect consumers by promoting low-cost energy."

We thought it would be a good idea to have that in the objectives of the bill and we put forward an amendment to ensure that the promotion of low-cost energy was going to be part of the purposes of the bill, but the government rejected that amendment out of hand. They didn't want to have any part of the promotion of low-cost energy, and I can only ask, why is that so? What does the government know that we don't know, that consumers in Ontario don't know and that they don't want to tell them? What they don't want to tell them is that there is a very distinct possibility that rates are going to go up for the 70% of consumers in this province who are small residential consumers and rural and farm consumers.

We thought there should be a guarantee that there would be lower rates for consumers in Ontario, but the government didn't want to have anything to do with guarantees. They say guarantees of low rates are wrong. But this is a government that continued the cap on hydro rates that was put in place by the NDP many years ago to ensure that there was some rate stability. They continued that in the Common Sense Revolution as well, a continuation of the five-year freeze of hydro rates. But somehow now they don't want to have that guarantee for consumers and I want to know why.

Why don't they want to put that protection for consumers in the bill? I suspect it's because they know that for the majority of small residential consumers there is the very distinct possibility that rates are going to go up. There is going to be a lot of opportunity for large commercial and industrial consumers to try and ensure that they're not going to end up stuck with those bills. They're going to find a way to make a good deal for

themselves and they're going to leave the rest of us stuck with the bill.

Something else that I am concerned about is the impact this is going to have on the environment. The government holds this bill up as some kind of incredible breakthrough in environmental protection. But the only thing that protects the environment is the fact that they may pass regulations to cap emissions. That's all that it says. However, what they're going to be doing is inviting generators from the United States to sell power into Ontario.

A lot of those generators are going to be coal-fired power plants in Ohio. We know that when those coal generators fire up, the emissions that come out of those large smokestacks just blow right into Ontario. Most of them are coming right over Windsor and Essex county.

We're having to deal with that bad air and we're having to deal with the prospect of up to 1,600 premature deaths in Ontario as a result of emissions, mostly from coal-fired plants in the United States. Just a couple of weeks ago we had representatives from the David Suzuki Foundation come to tell us that even those estimates about the number of premature deaths were probably conservative in nature.

We need to take some immediate action to try to improve air quality in Ontario. We had that opportunity in Bill 35 and, quite frankly, we blew it. It's unfortunate that although groups like the Ontario Medical Association, the David Suzuki Foundation and the Ontario Clean Air Alliance all came before the committee to make suggestions about how, through Bill 35, we could improve air quality in Ontario at the same time as making changes to Ontario Hydro, but this government rejected all of those suggestions.

One of the things we heard over and over again was how we can promote renewable energy. One of the things we need to do is to encourage the development of renewable energy resources, enable people who produce power through renewable energy to have a market for that power. This was an opportunity to be able to do that. One of the suggestions was to have what's known as a renewable portfolio standard. It would be a requirement that anyone who is marketing power to consumers in Ontario would have to have renewable energy as a certain percentage of the portfolio of power products that they sell. That would be energy that was produced through solar power, through small hydroelectric installations, through bio-thermal and power such as that.

The government says they don't want to have any part of that sort of requirement for renewable portfolio standards, that the marketplace is the way that is going to be accommodated for, that somehow permitting producers of green power access to the market is going to provide opportunities for generators to produce green power and consumers to buy green power. That may very well be the case to a very small extent.

However, in order for consumers to take advantage of being able to purchase green power, they're only going to do it if it makes economic sense; if it doesn't, they're just not going to buy it. Until such time as generators,



corporations, put the cost of environmental consequences on to their balance sheet, the marketplace is never going to accommodate for environmental consequences in making their decisions, because it just doesn't make sense to their bottom line.

If you are a coal generator in Ohio and you're selling your power into Ontario, it doesn't make any economic sense for you to put scrubbers, for example, in your smokestack, because there is going to be a huge cost associated with that. Why would you do it if you can sell a lot of your power here in Ontario and you're not forced to do it?

That's the reason we have environmental regulations in Ontario. If the marketplace was going to ensure that our environmental interests were going to be looked after, we wouldn't need regulations. Why is it that we need regulations? Because we know that industry, corporations, hydro generators, aren't going to spend the money for equipment that will ensure that we have enhanced environmental protection. There's no incentive for them to do that.

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It's incumbent upon governments to ensure that they have that incentive, and part of the way they can do that is through regulation, through legislation. It says if you don't comply with these requirements, you're going to have to pay a fine, you're going to be subject to the enforcement actions of environmental agencies of the government. Unfortunately, because of the tremendous cuts that this government has made to the Ministry of Environment, there are so few people there now to enforce those environmental regulations that people can get away with a whole lot more. That's unfortunate. That's one way that you can do it, through legislation.

The other way you can do it is through economic incentive, providing some advantage to people who are going to provide an environmental advantage when they are conducting their business. One of the ways they can provide that incentive, that advantage, is through a renewable portfolio standard so that there is a requirement that those who market electricity in Ontario have to, as part of their portfolio, have some sort of green energy component in their sort of bundle of products that they sell. When we introduced this amendment to the legislation, once again the government said no.

We heard from a great number of people who appeared before our committee. We weren't the only ones who thought about having the provision about low-cost energy in the purposes clause of the bill — it wasn't an NDP idea; the Liberals introduced a similar amendment — it was a suggestion by the Municipal Electric Association as well, an organization that I'm sure has a great deal of credibility in Ontario, an organization whose opinions I know are respected by the government. But the government didn't feel it was important enough to listen to the Municipal Electric Association.

We heard from a number of people who thought there should be some guarantee that Bill 35 would benefit residential hydro consumers. I have to say that I agree,

because the government should live up to its word; it should put its money where its mouth is. If it says that Bill 35 is all about the promotion of low-cost energy, then they should put that commitment in the legislation; they should put that commitment in the purposes clause of the legislation. They should tell consumers of Ontario that there is some assurance other than just unfettered market forces that are somehow going to result in lower prices. "Just trust us." This is a government that most people in Ontario I suggest aren't going to trust to that extent.

Lindsay Hydro and Kanata Hydro also said that the government's intention to reduce electricity costs should be entrenched in the legislative language. Once again, the government didn't want to listen to them.

The Green Energy Coalition: Their suggestion was that the Ministry of Finance, when exempting or reducing the competition transition charge to service the residual stranded debt, should favour green power producers and consumers. That's another way to try and promote green energy in Ontario and provide some incentive for those who are interested in developing solar power or wind power, for example, to be able to do that. The government keeps on saying, "We're providing access so that if anybody wants to generate that sort of power, they'll have the ability to put it on the grid." That may be true, but if there's a limit as to what consumers are going to pay for green power, if the price is going to be 50% more than you can buy cheap Ohio coal-fired power for, then I think there are very few people who are going to want to pay that higher price to do something that is more environmentally friendly.

Another suggestion was made with respect to the Ontario Energy Board. This is in conjunction with environmental improvements that could have been made in Bill 35 as well. It was suggested the Ontario Energy Board should impose a small charge called a system benefits charge on the transmission of electricity to help promote and finance energy efficiency programs and research and development into experimental clean energy sources.

That's a suggestion that makes a lot of sense to me, and I think it makes a lot of sense to people who are concerned about environmental quality, environmental improvement, and once again this was an amendment that we put forward that was rejected. It was a suggestion that came from a number of people, not just from the NDP. It came from Greenpeace, Nuclear Awareness Project, Green Energy Coalition, Pollution Probe, Greenest City, the Canadian Association of Energy Service Companies, Citizens for Renewable Energy, the Ontario Medical Association and Great Lakes United. That represents a pretty large cross-section of environmental groups in Ontario, and this government rejected that suggestion completely out of hand. Why is that? Why is it that this government doesn't want to pay any attention to those who are interested in improving the environment in Ontario?

Other ways that Bill 35 could have improved the environment would be by putting a mandatory cap on

missions of sulphur dioxide, nitrogen oxide and carbon dioxide emissions, and also emissions of other toxic chemicals like mercury, for example. We didn't see any movement by the government to put caps on those sorts of emissions.

There was a suggestion that there should be mandatory caps on radioactive pollutant emissions from nuclear facilities. Once again, we don't see that in the bill.

There should be wording to facilitate the forming of green power co-operatives. That was a suggestion that came from the Toronto Renewable Energy Co-op, another good suggestion that was rejected by this government.

There should be regular public disclosure emission data for air pollution from power generation. That was suggested by the Ontario Medical Association, another suggestion that was rejected by this government.

Over and over again we heard from people who said that you have an opportunity to enhance environmental protection through the changes that are being introduced in Bill 35, and every one of those suggestions was rejected by this government.

We are very concerned that the benefits of Bill 35 are not going to be seen by residential and farm consumers in Ontario. We don't think that prices are going to go down either in the short term or in the long term. What this bill is doing is an attempt to try and fix the mistakes of Ontario Hydro that have been undertaken in the last number of years. We know there are mistakes that have been made and we certainly aren't without responsibility in that regard.

A lot of that stranded debt, a lot of the debt that Ontario Hydro is saddled with now is a result of the construction of the Darlington nuclear power plant. We know that. We know that many of the construction projects of nuclear power plants shouldn't have been undertaken. We know that now. That was the religion back in the 1960s and the 1970s, that nuclear power was going to be the antidote for everything that ails us. It was going to give us cheap, clean power from now into the next century.

We found out that was just plain wrong. It ended up costing us a whole heck of a lot more than we expected and, because of that, as the member for Huron said, we have this huge debt monkey on our back. How are we going to get that debt monkey off our back? It isn't going to be by closing down those facilities. It's only going to come through it being paid off, and how it's going to be paid off is through special charges like the competition transition charge to cover the residual stranded debt that we now know is about \$7.8 billion.

2120

The competition transition charge is going to show up on people's hydro bills and it's going to be another tax from a government that considers itself to be the tax-fighter. I ask, how is it that this government can justify putting another tax on people's hydro bills, and who is going to end up paying those special charges? Is everybody going to end up paying them equally or are some people going to get away with not paying their fair share? Somehow I suspect, on behalf of the many small resid-

ential consumers out there in Ontario, they're the ones who are going to end up paying the bill.

When people finally realize what has happened through Bill 35 — it may not be next year, it may not be for a couple of years down the road, it may not be for five years — and how much their hydro rates have gone up and the fact that they're experiencing blackouts like they are in Alberta right now, they're going to say: "How could this possibly have happened? Who let this happen?" They're going to discover that it was the Progressive Conservative Mike Harris government that was the architect of these changes. They're going to be long gone. They're not going to be held accountable for this great experiment that they're taking us down. Really, what this government is doing is taking us into uncharted, shark-infested waters without so much as a compass to guide us. That's what this is all about: We're going into the great unknown.

We've been saying right from the outset that the government's plan is to privatize Ontario Hydro. That's why they brought in Sir Graham Day, the great serial privatizer from Great Britain, to serve on the board of Ontario Hydro. That's why they brought in Mr Farlinger to be the CEO of Ontario Hydro and put into his contract the requirement that he be prepared to take Ontario Hydro into the private sector.

We realized that even more as a result of what we heard about the stranded debt and the residual stranded debt at the briefing on Monday afternoon. Ministry of Finance officials indicated to us that the nuclear power plants weren't worth a plug nickel.

Carl Andognini, who is making \$1 million a year, plus an annual pension of thousands and thousands of dollars if he stays on for four years, has been failing in his attempts to revive those nuclear power plants. Not only are we paying this huge salary, we're going to be paying him a pension in perpetuity, forever. He's going to be retired, probably someplace in South America, collecting his big, fat pension, and we'll discover that all of the work he was doing here in Ontario is all for naught, that the value of those nuclear power plants hasn't been enhanced one bit, they're still worth zero, and he's going to be long gone.

We believe that Ontario Hydro has been given relatively little debt and the reason they're doing that is because they feel that if they leave Ontario Hydro with too much debt it's going to fail. They don't want Ontario Hydro to fail. Ontario Hydro has somehow convinced this government that the only solution to the problems of Ontario Hydro is to make them bigger, give them the ability to compete in the United States and to do so without being accountable to this Legislature. That's how they're going to succeed.

How that deals with the problems we've used to justify bringing forward these changes in Bill 35, I have absolutely no idea. If the government says the reason they're doing this is because Hydro is broken and needs to be fixed, let's fix Ontario Hydro; let's not completely cut them off. Part of the reason they got us into this mess was because we didn't hold them accountable enough. This bill isn't going to hold Ontario Hydro any more accountable.



They're not going to be accountable to the government at all. They're only going to be accountable to the marketplace. That's it. It's the marketplace that's going to determine how financially viable Ontario Hydro is, and that marketplace is a ruthless, shark-infested place.

Once it's determined that Ontario Hydro can be purchased at a reasonable price, there are going to be millions and millions of dollars that are going to be made by the people who are the richest and most well-off, who have the money to invest in Ontario Hydro. What's going to happen is that this important public investment that we have built up over 100 years in Ontario is going to end up being sold at fire sale prices. I don't want to see —

**The Deputy Speaker:** Order.

Pursuant to the order of the House dated June 24, 1998, I'm now required to put the question.

Mr Wilson has moved third reading of Bill 35. Is it the pleasure of the House the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members; it will be up to a five-minute bell.

There has been a request that the vote on Bill 35, the Energy Competition Act, be deferred until Thursday, October 29, 1998.

It being almost 9:30 of the clock, this House stands adjourned until 10 am tomorrow.

*The house adjourned at 2128.*

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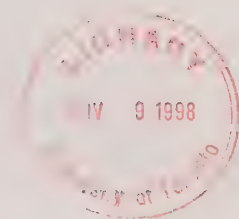
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des débats  
(Hansard)**

**Thursday 29 October 1998**

**Jeudi 29 octobre 1998**

**Speaker  
Honourable Chris Stockwell**

**Clerk  
Claude L. DesRosiers**



**Président  
L'honorable Chris Stockwell**

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 29 October 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 29 octobre 1998

*The House met at 1004.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### ONTARIANS WITH DISABILITIES LEGISLATION

### LÉGISLATION SUR LES PERSONNES HANDICAPÉES EN ONTARIO

**Mr Dwight Duncan (Windsor-Walkerville):** I move that, in the opinion of this House, since persons with disabilities in Ontario face systemic barriers in access to employment, services, goods, facilities and accommodation; and since all Ontarians will benefit from the removal of these barriers, thereby enabling these persons to enjoy equal opportunity and full participation in the life of the province; and since Premier Harris promised in writing during the last election in the letter from Michael D. Harris to the Ontarians with Disabilities Act Committee dated May 24, 1995 to:

(a) enact an Ontarians with Disabilities Act within its current term of office; and

(b) work together with members of the Ontarians with Disabilities Act Committee, among others, in the development of such legislation;

And since this House unanimously passed a resolution on May 16, 1996, calling on the Ontario government to keep this promise, therefore the Ontarians with Disabilities Act should embody the following principles:

1. The purpose of the Ontarians with Disabilities Act should be to effectively ensure to persons with disabilities in Ontario the equal opportunity to fully and meaningfully participate in all aspects of life in Ontario based on their individual merit, by removing existing barriers confronting them and by preventing the creation of new barriers. It should seek to achieve a barrier-free Ontario for persons with disabilities within as short a time as is reasonably possible, with implementation to begin immediately upon proclamation.

2. The Ontarians with Disabilities Act's requirements should supersede all other legislation, regulations or policies which either conflict with it, or which provide lesser protections and entitlements to persons with disabilities.

3. The Ontarians with Disabilities Act should require government entities, public premises, companies and organizations to be made fully accessible to all persons

with disabilities through the removal of existing barriers and the prevention of the creation of new barriers, within strict time frames to be prescribed in the legislation or regulations.

4. The Ontarians with Disabilities Act should require the providers of goods, services and facilities to the public to ensure that their goods, services and facilities are fully usable by persons with disabilities, and that they are designed to reasonably accommodate the needs of persons with disabilities. Included among services, goods and facilities, among other things, are all aspects of education including primary, secondary and post-secondary education, as well as providers of transportation and communication facilities (to the extent that Ontario can regulate these) and public sector providers of information to the public, eg, governments. Providers of these goods, services and facilities should be required to devise and implement detailed plans to remove existing barriers within legislated timetables.

5. The Ontarians with Disabilities Act should require public and private sector employers to take proactive steps to achieve barrier-free workplaces within prescribed time limits. Among other things, employers should be required to identify existing barriers which impede persons with disabilities, and then to devise and implement plans for the removal of these barriers, and for the prevention of new barriers in the workplace.

6. The Ontarians with Disabilities Act should provide for a prompt and effective process for enforcement. It should not simply incorporate the existing procedures for filing discrimination complaints with the Ontario Human Rights Commission, as these are too slow and cumbersome, and yield inadequate remedies.

7. As part of its enforcement process, the Ontarians with Disabilities Act should provide for a process of regulation-making to define with clarity the steps required for compliance with the Ontarians with Disabilities Act. It should be open for such regulations to be made on an industry-by-industry basis, or sector-by-sector basis. This should include a requirement that input be obtained from affected groups such as persons with disabilities before such regulations are enacted. It should also provide persons with disabilities with the opportunity to apply to have regulations made in specific sectors of the economy.

8. The Ontarians with Disabilities Act should also mandate the government of Ontario to provide education and other information resources to companies, individuals and groups who seek to comply with the requirements of the Ontarians with Disabilities Act.



9. The Ontarians with Disabilities Act should also require the government of Ontario to take affirmative steps to promote the development and distribution in Ontario of new adaptive technologies and services for persons with disabilities.

10. The Ontarians with Disabilities Act should require the provincial and municipal governments to make it a strict condition of funding any program, or of purchasing any services, goods or facilities, that they be designed to be fully accessible to and usable by persons with disabilities. Any grant or contract which does not so provide is void and unenforceable by the grant recipient or contractor with the government in question.

11. The Ontarians with Disabilities Act must be more than mere window dressing. It should contribute meaningfully to the improvement of the position of persons with disabilities in Ontario. It must have real force and effect.

1010

**The Deputy Speaker (Mr Bert Johnson):** Mr Duncan has moved private member's ballot item number 29. According to section 95, you have 10 minutes.

**Mr Duncan:** I'm pleased to stand today on this resolution, which shouldn't be new to any member of the House. This resolution was designed in consultation with members of this House, members from all three parties.

The process for this resolution began some 10 years ago when the United States adopted its Americans with Disabilities Act. Throughout subsequent governments, all of us have participated in the discussion of these and other issues that confront persons in our community with disabilities. All three political parties in the last general election — all three of our parties — and each of us individually as members of those parties gave a commitment to persons with disabilities in this province that we will enact a meaningful and effective Ontarians with Disabilities Act in the life of this Legislature.

As I was contemplating what to say today, it struck me that we are in the fall. We are in the dying days of this year, as we are in the dying days of this Legislature. Depending on when the call is, depending on what other business the government has and the opposition has, we have relatively few days as members of this Legislature to deal with this type of legislation. This type of legislation gives us the opportunity as able-bodied individuals to help bring those in our community who feel alienated from it into the mainstream.

This resolution and the commitments that were made by all of our political parties in the last election — the government party and the two opposition parties — involved five principles. I'd like to take a moment to review those principles.

The first principle is the principle of involvement in open, accessible discussions about the contents of this bill, an Ontarians with Disabilities Act. That is, we should be talking about the issues. There are issues within this. There are issues around implementation. There are issues around who should be covered. There are all kinds of issues around that. But the process must be open and, most important of all, it must involve persons with disabilities.

None of us, if we haven't experienced a disability of one form or another, can effectively address their concerns.

As I travelled the province in the last week and met with groups literally across the province, I want to tell you what Graham in Windsor said to me. He said, "Don't forget persons who don't have visible disabilities." I got that message in North Bay; I got it in Peel region; I got it everywhere I went. I say to Graham and members of the Legislature that we must not only confront visible disabilities; we must confront those disabilities which aren't visible.

The second principle is the principle of removal. Too often I think those of us who aren't faced with the day-to-day challenges that our brothers and sisters are faced with take for granted or think or believe that we've done everything we can to remove existing barriers. The simple fact of the matter is, we have not.

This Legislature itself can only accommodate two wheelchairs at any given time. It doesn't adequately allow people who are deaf to hear what goes on. I believe all members in this House support the removal of barriers, and I believe the people of this province want barriers removed. But we mustn't be complacent and think that we've done everything. We mustn't believe that because we have handicapped parking spots, the barriers have all been removed. They haven't been.

The third principle is the prevention of new barriers. Technology presents barriers; technology prevents barriers. If you don't have access to technology, how do you compete in this economy? And if you're disabled and you don't have the income, how do you access a computer, especially a modified computer?

The fourth principle is the principle of proactive intervention. That is, we as a government, as a Legislature, have a duty and a responsibility to proactively intervene. It shouldn't be a question of volunteerism. We must commit ourselves in a proactive fashion to bring the resources of government to bear on removing barriers and on preventing new barriers.

The fifth principle is the principle of enforcement. All of us know, as members of provincial Parliament, and many have sat on municipal councils before, that the best-intentioned law in the world doesn't work if you can't enforce it. Whatever law we pass must have a mechanism that works for enforcement. The Human Rights Commission, where oftentimes we try to resolve these, simply does not work in an adequate or fast amount of time.

Ces principes sont très importants, pas seulement ici dans la législature, mais dans toute la province. Pour tous nos citoyens, il faut que nous adoptions ces principes maintenant et dans la nouvelle législation, dans la nouvelle loi du gouvernement. Moi, je soutiens un ODA qui sera fort et où nous pourrions enforcer toutes les provisions de cette loi maintenant et dans l'avenir.

Throughout the last period of time, I have had the opportunity to travel the province and meet with the most able people I know. Today in Windsor, at ALPHA, Dean Labutte and his group are watching us in the Legislature. The people in North Bay who are out in front of the

Premier's office as I speak asking for the government to keep its commitment are among the most able people I know. The people in Peel region who are watching today are among the most able people I know and are among the people who most want to be brought into this process. The people who have been to your offices this morning, the people from the Rumball centre, are among the most able people I know.

I believe all of us in this House, all private members, want this kind of legislation. We don't want to be 10 years behind the Americans. We want Ontario to be the most accessible and accommodating and open province in this country and indeed, hopefully, in North America.

I say to my colleagues in the House, we have a rare opportunity to adopt what I would call a piece of legacy legislation, a legacy that for this House will be as meaningful as Algonquin Park was to Oliver Mowat's government, or the education reforms that Davis implemented in the 1960s were to his government, or the French Language Services Act was to the Legislatures of the 1980s.

We have an opportunity, my colleagues, all of us, in a non-partisan fashion, in a trilateral fashion, if you will, to leave a legacy we can all point back to regardless of our political stripe and say, "We did that." This has been asked for for years. We are 10 years behind the Americans. We have a chance now to keep all our commitments because all of us made that commitment, whether it be through our political party or through groups in our communities in the last general election.

I ask members in all three parties to support this resolution embodying these 11 principles and I ask the government: Bring that legislation forward so we can pass it and leave a legacy for our children and our grandchildren.

**1020**  
**Mr Wayne Lessard (Windsor-Riverside):** I rise and speak in support of this resolution because I know that for many in our communities, the Ontarians with Disabilities Act has been too long in coming.

It was Mike Harris during the 1995 election who promised to bring in this legislation and, as a result of the lack of action, it was my NDP colleague Marion Boyd who introduced a resolution into this Legislature in May 1996. That was supported unanimously and yet we are still waiting for the Ontarians with Disabilities Act.

There are many groups in my community that are anxiously awaiting this legislation, groups like Legal Assistance of Windsor, the AIDS Committee of Windsor, the local Canadian National Institute for the Blind, the Hearing Society, WECAN and the Windsor/Essex Chapter of the Ontarians with Disabilities Act, who I know have done a great deal of work in preparing briefs and lobbying government members.

Individuals who live at Alpha House, a residence in my riding, are also asking themselves why it has taken so long for this government to introduce legislation. They're asking themselves why the promise is not being kept, why a government that says "A promise made, a promise kept," is failing to keep its promise with respect to persons with disabilities. There's a good reason, and that is that the

overwhelming promise that this government is fulfilling is the one that provides a tax benefit to those who are the most well off. If it means cuts to education or cuts to health care to do that, then that's OK.

Those cuts are affecting many people in my area, people like Debbie Desjardins, who wanted me to raise the case of her daughter in the context of this resolution that says persons with disabilities should have "equal opportunity to fully and meaningfully participate in all aspects of life in Ontario." She has a daughter, Brandie, who requires support services so that Debbie is able to fulfill her obligations as an employee at Casino Windsor. Debbie has been looking after Brandie for 21 years and has saved the government millions of dollars. Brandie is now an adult. She now feels that she should be able to have the opportunity to live like other able-bodied individuals, but at the moment Debbie only gets temporary short-term help.

Community agencies are stretched to their maximum in assisting individuals and their families, and the rights of the disabled to "equal opportunity and to fully and meaningfully participate in all aspects of life in Ontario" is a message that she wanted me to convey on behalf of herself and her daughter.

Mary LeFleur and her daughter, Jodi, who has been diagnosed with severe and profound developmental delay and autism disorder wanted me to mention that her daughter, Jodi, being 21 years old, graduated from the developmentally challenged program at Southwood School in Windsor and attended Autism Services Inc. That was a program that was run during the summertime. This program has the ability to provide for a number of adults with autism, but the funding is going to end on October 31.

This is a government that often likes to say that it wants not to give a handout to people but to give them a hand up. This is an opportunity for government members to do the right thing, to support a resolution that is going to move us into having protection for people with disabilities in Ontario, and I urge all members to support the resolution.

**Mr Derwyn Shea (High Park-Swansea):** I am pleased and honoured to rise today to speak to the resolution put forward by the honourable member for Windsor-Walkerville.

Members will recall that during the 1995 election, the Premier wrote, "A Harris government would be willing to enact an Ontarians with Disabilities Act in the first term of office within the economic goal posts of the Common Sense Revolution."

Members will also remember that in May 1996 the House unanimously passed a resolution by the member from London to enact an ODA and work with the ODA committee, a group of disability stakeholders, in the development of an Ontarians with Disabilities Act.

I'm pleased and honoured to say to all those who are here today and everyone watching at home that this government's principles and parameters for an ODA are still very clear. They are written in black and white in our discussion paper that was released in July. We are committed to bring forward an ODA and we will keep our promise.



I was pleased during our summer consultation to hear from hundreds of Ontarians and organizations on how to improve accessibility in this province.

I think it somewhat ironic, of course, that the tone of the debate from those on the other side of this chamber is just slightly harsh. The two opposition parties have been silent on an ODA for some time.

The New Democratic Party, for example, failed to support a private member's bill that was brought forward by one of their own members in 1994. During our ODA meetings we listened to what Mr Malkowski had to say about the need for programs and the need for legislation. We thank him for his candor about how difficult it was to get his colleagues in government from 1990 to 1995 to listen.

It is ironic that the Liberal disability critic did not participate in the ODA consultations. His office, I know, was contacted back in July and informed how he might get involved. I know the minister and I have looked high and low for Liberal submissions on behalf of the opposition. We can't find them; there are none available. His office was informed about the meetings in Ottawa but he was not involved. Nothing has been heard from him or from the leader of the Liberal opposition on this issue.

At this point I suppose we can say that they are johnny-come-latelies. They were late in endorsing debt reduction, late in supporting tax reduction and they are late in showing interest or support for an ODA. But we welcome their support for a strong and effective Ontarians with Disabilities Act. The minister should be bringing forward legislation shortly because a promise made is a promise kept and I'm pleased that my NDP colleague reminded us of that. A promise made is a promise kept.

Let me turn my attention to the resolution that is before us now in more precise terms. The resolution sets out a number of directives that may or may not be good ideas, but the principle of an effective ODA is something all members of this chamber should stand in support of. We support the principle of equal opportunity for everybody. The Premier made a commitment and that commitment is being fulfilled. Any legislation from our government is based on some fundamental principles and consultation.

We spent the summer consulting across the province on the ODA. The minister met with many stakeholders in Toronto, and I met personally with large numbers of varied stakeholders across this entire province. We held consultations in eight communities, met with representatives of 283 groups and organizations and received over 260 submissions from individuals, community leaders and organizations, representatives of Ontarians with disabilities, business, municipalities, service providers and labour.

**Mr Dominic Agostino (Hamilton East):** Did you open the meetings up?

**The Deputy Speaker:** Order.

**Mr Gilles Bisson (Cochrane South):** It's a good point, Speaker.

**The Deputy Speaker:** Member for Cochrane South, come to order.

1030

**Mr Shea:** During the consultations we asked for input on three key questions. First, what are the priorities for preventing and removing barriers for persons with disabilities? Second, what could be included in an Ontarians with Disabilities Act? Third, what additional approaches could complement an Ontarians with Disabilities Act? We are currently reviewing the many ideas which were put forward in meetings and in the submissions. Once our review has been completed, the minister will be moving to bring legislation before the House.

Legislation isn't the only thing government can or should do, however. I know that our government has given a lot of emphasis to programs. For example, \$1 billion a year for special education through the Ministry of Education's funding to school boards for programs for exceptional children, such as children with disabilities and gifted children, and up to \$25 million over the next five years for neurotrauma research, prevention and rehabilitation projects.

**Mr Lessard:** Are you going to vote in favour of the resolution? Are you voting for this?

**The Deputy Speaker:** Member from Windsor, come to order.

**Mr Shea:** In May 1998, the Premier announced the approval of \$3.7 million as the first round of projects as part of Ontario's \$25 million commitment to the Rick Hansen Neurotrauma Initiative.

In short, this Liberal resolution contains many things. Some are helpful, others are perhaps more problematic, but the thing that is most important about it is equal opportunity, and that is something we can all support.

**Mr Gilles E. Morin (Carleton Place):** Before I start my presentation, I must say I'm surprised that Mr Shea, a man I respect, a man I consider of a high calibre, would do a political speech while we have thousands of people looking at us at this moment, thousands of people looking at us for an answer to their demand, a cry for help. Let me assure you, had you done your research, you would have found out that we called the minister's office on many occasions to find out where meetings were to be held and never did we ever receive an answer.

I commend the member from Windsor-Walkerville for presenting a challenge to the government in the form of this resolution. It is inspired by the hundreds of people with disabilities who have come together around the province to ask for a strong and effective Ontarians with Disabilities Act. It is simple justice the community is calling for, justice that has been too long denied.

Only recently has this government acknowledged that they have this promise to keep before the next election. For that reason, I am sure that we will see a bill reasonably soon. What I doubt, however, is that the government will produce a piece of legislation that will be truly meaningful. It will be another item they can check off the list to say a promise has been kept, but it is terribly cynical to approach the issue in this way. The only way we can judge the effectiveness of this legislation is

whether it will have a measurable impact on the lives of people with disabilities.

It is true that the task is daunting. What an effective ODA would help accomplish is to shift our way of thinking. We would recognize our differences as human beings and acknowledge the fact that our environment is organized in a way that favours some people more than others. All persons have a right to a life of dignity. We must realize that our society does not provide a level playing field for everyone. Many of us have been born to a life of privilege and, sadly, don't even know it. As a result, we don't see the broad range of physical, social and economic barriers that people with disabilities encounter every day, and it keeps getting harder for them.

In its consultation document the government listed the programs and services it provides to persons with disabilities. It is trying to say: "Look. See how much we do for you." What they fail to say is that behind the elaborate program names, program funding is shrinking. That is the reality. More families are having to compete for fewer resources. Hours of support are being cut. More stringent rules are applied in a whole range of programs. The full impact has yet to be felt, but the prospects are not good. It all adds up to the kinds of cuts to persons with disabilities that the Premier promised would not happen. This is the context into which this government would place its Ontarians with Disabilities Act.

That is the reason for this resolution. What persons with disabilities are asking for is a real advance into the world that we all take for granted. We're asking the government to live up to its obligations and give us legislation that will make a real difference in the lives of people with disabilities.

**Ms Frances Lankin (Beaches-Woodbine):** I'm pleased to speak to this resolution and indicate my full support for it. I'm quite disturbed by what I've heard in this House today. As I understand it, the government members will rise and vote in favour of this because they don't want to be seen to be on the wrong side of this very important issue. But if you listen to the words of the parliamentary assistant, you heard very clearly his support for a couple of helpful things in the resolution and some things that are not very helpful. He said their clear commitment still exists, what they wrote in black and white in that discussion paper.

Nothing could disturb one and a half million Ontarians with disabilities more than hearing that. You've just dashed their hopes entirely that you were going to have a strong, effective law. That discussion paper was full of all the weasel words like "voluntary measures." Let me tell you what happens in Mike Harris's Ontario with voluntary measures.

The speech I intended to give today has just been thrown right out the window because my colleague from Sault Ste Marie, Tony Martin, has shared with me a letter that he just received from Vince Buczel in Sault Ste Marie:

"On October 18, 1998 I had the opportunity to visit Pancake Bay Provincial Park to enjoy the fall colours, a pleasure I've enjoyed for over 25 years.

"Upon turning into the main park entrance from Highway 17, I was confronted by a newly installed gate. Another car had also pulled in just ahead of me.

"I parked my car and got out to continue into the park on foot. As I walked past the other car I noticed that the occupants were greatly distressed. I asked the male occupant what was wrong. His response was that he had enjoyed coming to the park in the off-season since it opened to enjoy the beauty and now he couldn't get in because of the newly installed gate. You see, this man used a wheelchair and now could not access the park. Pancake Bay Park has a wonderful paved loop that winds its way through towering pines and along some of the most beautiful waterfront scenery in the world. In addition the park has installed a wonderful paved ramp up to the beach area, provided handicap parking in the picnic area and has wheelchair-accessible toilets. Not much good if you can't get into the park.

"On Monday October 19 I called Mr Chris Caldwell, Pancake Park's manager, and relayed to him my experience of the previous day as well as my concerns. He stated that the new gate was installed and closed at the end of the camping season to counter vandalism and illegal garbage dumping by area residents. He also stated that handicap accessibility issues were not taken into consideration at the time he took the decision. I asked him to reconsider his decision in light of the accessibility issues and said I'd touch base with him again. Ontario Parks policy has, as part of its definition, the following: 'Outside the operating season, the park is designated as closed, vehicular access to campgrounds is prohibited through the gating of access roads and vehicle access may or may not be permitted for day use.' Pancake Park did have gates restricting access to the campgrounds already! Access to the entire park is now restricted with the new gate, not just the campground.

"I again contacted Mr Caldwell on October 27 and asked him, now that he'd had a chance to reflect on the decision, if the gate was going to stay. He stated" — every one of you in the government benches, listen to this — "that handicapped individuals have ample opportunity to access and enjoy the park when it is open and the gate will stay where it is. It is at this point that I felt compelled to write this letter. For many years Pancake Bay Park has been a welcoming and valued complement to our unique northern lifestyle. I have often seen wheelchair-bound individuals enjoying a stroll during the peaceful off-season. This decision to relocate the gate is regressive, punishes the innocent and will do little to combat vandalism. The Ontario Parks even sell winter and summer passes that encourage you to 'enjoy unlimited daily vehicle entry to all provincial parks.' By whom?"

"I encourage everyone to call the park manager at (705) 882-2209 or e-mail Ontario Parks at [comments@OntarioParks.com](mailto:comments@OntarioParks.com) and oppose this exclusionary decision. Our provincial parks are for use by everyone 12 months of the year."



## 1040

That is what happens to the voluntary approach in Mike Harris's Ontario. Mike Harris has removed and cut the staff in ministry after ministry who were responsible for removing barriers in the Ontario public service. He has removed the fund that was put in place under the previous government to systematically remove barriers and to implement changes that were necessary to ensure that workplaces were accessible.

How do you expect voluntary measures to work outside of the government if under a Premier who says he's committed, with a parliamentary assistant who has travelled the province and says their commitment is clear, you can still have gates erected in provincial parks that stop accessibility?

This act is for everyone. This act ensures that all of us who are disabled, who may become disabled or who have disabled members in our family can enjoy access to all parts of our society together. It is simply a necessary piece of legislation. Any dickered around, saying, "We'll make it voluntary. We'll make it an approach where we attempt to encourage people to participate," anything like that will simply be a betrayal of the one and a half million Ontarians with disabilities and all of us who support them and who call on the government to keep their true promise and enact a strong and effective Ontarians with Disabilities Act.

**Mr John L. Parker (York East):** I support the resolution proposed by my friend opposite regarding an Ontarians with Disabilities Act. Let me say, however, that there should be no confusion in anyone's mind about this government's position on supporting persons with disabilities. Our government believes, and has always believed, that persons with disabilities should have an equal opportunity with every other Ontarian to participate in the social and economic life of this province. Furthermore, this government has always said that it intends to promote that participation by both legislative and non-legislative means.

I have personally urged it to advance on this agenda, and it has done so. In fact, this government has already gone further than any other government in the history of this province to make equal access a reality. As the member opposite says himself, during the last election campaign the Progressive Conservative Party said that it would enact an Ontarians with Disabilities Act in its first term of office, within the economic goalposts of the Common Sense Revolution. This is a government that keeps its promises and we will keep this one too.

Do we support the objectives at the heart of the member's resolution? Of course we do, and he knows we do. It will be this government — I repeat, this government — that is going to move our province closer to becoming barrier-free for persons with disabilities. Let's be blunt here. If either of the two previous provincial governments had been even half as serious as this government is about achieving equal opportunity for people with disabilities, we wouldn't have to be here this morning responding to the member's resolution. Members on that side of the

House had an opportunity to do what we will be doing but they did not do it. Let's not forget that.

As the member knows, Isabel Bassett, the Minister of Citizenship, Culture and Recreation, her parliamentary assistant, Derwyn Shea, and ministry officials met recently with literally hundreds of individuals and groups to discuss issues affecting persons with disabilities, and I personally commend the Bloorview MacMillan Centre for its assistance in this process. This government distributed more than 7,300 copies of a discussion paper that became the focus for an unprecedented consultation process on preventing and removing barriers for Ontarians with disabilities.

The government had consultations in eight cities across the province. It consulted with 283 organizations in Hamilton, London, Ottawa, Peterborough, Sudbury, Thunder Bay, Toronto and Windsor. More than 100 of these groups represented the disability sector. The government received approximately 260 submissions on improving access for persons with disabilities, about 60% of which came from disability groups.

The discussion paper set out a number of parameters for consulting on barrier removal, and I think it's important that we reiterate those parameters now, because they were, and are still, clear statements about this government's direction in this regard.

We said that time frames for implementing barrier-removal approaches should be realistic. We said that approaches must support the government's overall goals. We suggested that a range of approaches should be considered. We were clear that barrier-removal approaches should use existing legislation and enforcement mechanisms to their fullest extent. We stressed that barrier-removal ideas in the area of employment should be consistent with the government's voluntary approach to promoting equality in the workplace.

**Mr James J. Bradley (St Catharines):** Voluntary.

**Mr Parker:** I understand that the members opposite have difficulty with that concept; that's something they have to deal with.

We stated that the roles and responsibilities of different levels of government should be kept clearly in view.

In other words, we have been clear from the beginning about our direction and about the fact that both legislative approaches, such as the Ontario disability support program, already introduced, and the Ontarians with Disabilities Act, soon to come, as well as complementary approaches to achieving equal opportunity for persons with disabilities must fit within the government's overall vision for Ontario and the promises it has made to Ontarians.

Each organization the government consulted with had its own opinion on the issue, its own experiences to relate and its own recommendations to make. I also know from my colleague the Minister of Citizenship, Culture and Recreation that the consultation process has provided the government with a considerable amount of information on disability issues from representatives of business,

disability groups, labour, health service providers, municipalities and the education sector.

Naturally, given the diversity of opinion and divergence of views that such a group would bring forward, the government has to take a measured, considered approach to addressing barrier removal and prevention. There is no point in repeating the mistakes of previous governments and developing a hodgepodge of legislation and programs that fail to meet the needs of the very people they purport to assist.

What we need is a thoughtful plan for barrier removal, a plan that will continue to advance this province firmly towards its goal of removing and preventing barriers. This government wants a balanced and workable approach to supporting people with disabilities and preventing and removing barriers to their participation in our society. This government fully intends to lead by example, to demonstrate what achievements are possible when there is a commitment to succeed.

But make no mistake. The government intends to meet the commitment it has made. It will do so in a carefully planned manner that achieves the objective of enabling disabled Ontarians to contribute their potential to the social and economic life of this province.

**Mr Agostino:** I'm pleased to join in support of the resolution by my colleague the member for Windsor-Walkerville. It's certainly interesting to listen to the members of the government party talk about this commitment they have. What you had was a three-and-a-half-year delay. What you had were public hearings that were an absolute sham. What you had were public hearings that were closed. What you had were hearings with selected individuals whom you chose to come forward and you shut out the rest of the community. You won't even release the papers that were submitted at those public hearings. You're afraid to do that.

Very clearly, what we're going to get is more feel-good, pat-on-the-head weasel words and weasel legislation. We talk about voluntary. Our history should tell us that voluntary compliance when it comes to dealing with people with disabilities in Ontario does not work. We have passed hundreds of bills in this Legislature since this government has taken office. They have not seen fit yet to bring this bill forward, three and a half years later. When the bill does come forward, it is going to be an absolute joke, because it will be based on the goodwill of people who may want to comply with this legislation but don't have to.

**1050**  
My father spent 24 years in a wheelchair. I know at first hand the impact of voluntary legislation. What that means is that my dad could not get into a building unless my brother and I were there to pick up the wheelchair and carry it up the steps. What it meant was that for him to access a disabled bathroom — it didn't exist. We had to take him behind the building. It meant that there were many buildings he couldn't get into, many workplaces he couldn't get into. That was the reality of voluntary legislation. It doesn't work, it is unenforceable, it is a sham,

and all you're trying to do here is give some vague commitment that somehow is going to tell you that you've kept your promise. You haven't kept your promise. You have betrayed a million and a half disabled Ontarians with this feel-good, pat-on-the-head approach that you have taken here. You're not going to fool those folks. They know that this type of legislation is not going to work. It's not far-reaching enough. It is not going to have the teeth it needs for it to work.

You had a golden opportunity here to act. You had a golden opportunity to set up a place in history for yourselves, to do something real that helps Ontarians. What we've heard clearly this morning is that you're going to let this thing slide. You are going to give up that opportunity to make some real changes to help disabled Ontarians. I say shame on you.

You've cut funding to vocational rehabilitation services. You've cut funding to disabled programs. You've added user fees. That is your legacy. This bill is not going to be your legacy. Frankly, the introduction of this bill is going to be a joke. Unless this government moves to ensure that it is not going to be voluntary but mandatory, and it's going to force every single aspect of our society to comply, it is going to be a dismal failure and the disabled community will not forget the betrayal you've imposed upon them.

**Ms Shelley Martel (Sudbury East):** I'll be brief but I want to say a couple of things. First of all, the resolution we're dealing with today follows on the resolution from May 6, 1996, when Marion Boyd, my colleague from London Centre, called on this government to enact the Ontarians with Disabilities Act in this term. That was agreed to by all members of this House. Here we are, two years later, doing the same thing yet again.

Frankly, this government's handling of the development of this act has been abysmal. There is no other way to describe it. For the first three years of this government you did nothing with respect to the development of this act. What you did, though, was to reverse a number of policies and cut a bunch of funding from a number of programs that were put in place to help the disabled, some over many numbers of years.

In the middle of the summer, the government finally decided that it was going to do something with respect to its commitment around this act. The government developed a consultation paper, which it dropped on the disabled community and a number of organizations in the middle of the summer.

Two things have to be said about the discussion paper and the consultations. First, if this discussion paper is a forerunner to a bill that is supposed to protect and enhance the condition of the disabled in the province, forget it. Don't even bother bringing anything else forward. The measures that were outlined in the government document have no teeth, are voluntary, are worthless, aren't worth the paper they're written on.

The fact that you want to use the Ontario Human Rights Commission to deal with discrimination is ridiculous. People know that doesn't work. Using the Human



Rights Commission doesn't deal with the systemic problems, the systemic discrimination and the systemic barriers the disabled face in this province. We have two people who went to the public hearings who said the following:

"People's complaints would be still handled by the Human Rights Commission. What's the point in bringing in a disability act? It's the situation we have now." That was Kim Scott, who is with the Canadian Hearing Society, Sudbury chapter.

Joanne Nother said: "There's no teeth to it, no form of enforcement. There is nothing that will force employers to make the workplace accessible or force them to comply." Joanne is the chair of the NorthEastern Ontario Regional Alliance for the Disabled.

Second, with respect to the consultation process itself, it was a sham: seven communities only, in the middle of the summer, a 90-minute meeting behind closed doors by invitation only. It was an affront, a slap in the face of the disabled community, who want and need to participate in the development of this act. People in Sudbury said very clearly that this is ridiculous.

Mr Andre Crepeau, who is with the Canadian Hearing Society, said, "We're the experts. We're the ones who are living with these barriers." He expressed his disappointment about the closed meeting.

This government promised legislation this term. This government must recognize that the disabled have an enormous contribution to make to the Ontario economy. It's time this government went on and got this bill done.

**Mr Frank Klees (York-Mackenzie):** I did have some prepared remarks, which I'll ignore because my colleagues who waxed eloquent in their remarks robbed me of the time to present them. What I will say, however, is that I tend to agree that this is not the time for political speeches and it's not the time to defend a process, because it is time for us to become very serious about the needs of the disabled in our communities.

When we talk about the issue of mandatory versus voluntary, I'm going to suggest to you that we have ample example, as someone has already said in this House, that when certain issues are made voluntary, there perhaps is a reluctance on the part of those responsible for implementation to follow. We recently had that example with municipalities. I'm one who would support that some requirements be made mandatory to ensure that the services for the disabled in our communities are adequately met.

As I indicated to people outside this place earlier today, I have been and will continue to be an advocate for the needs of the disabled in our communities. I have been an advocate of bringing forward an Ontarians with Disabilities Act by our government, and I'll continue to do that. When it comes forward, I also agree that it should be meaningful, and if it is not brought forward as a meaningful document for first reading, I will be the first one on this side of the House to work with other members of this Legislature to ensure that it is in fact a meaningful document, a meaningful piece of legislation.

All of us have a vested interest in ensuring that the work that goes on in this place is not simply for political purposes or for making the necessary noises to the people in our community. We all have a responsibility to ensure that when we spend time in debate, when we spend time in committee, the final product is something that will work for the people it's intended to help, that is practical in implementation and that will, at the end of the day, achieve its objectives for Ontarians and ensure that the quality of life for people with disabilities in this province is improved.

**Mr Alvin Curling (Scarborough North):** In the two minutes I have, let me lend my support to this resolution put forward by my colleague the member for Windsor-Walkerville. Today we have the opportunity to honour a promise that the government put forward and to honour a promise not only by the government but by all of the Legislature. Disabled people are appealing to the highest level they can go, the Legislature. The Legislature itself is the body that can make meaningful and effective legislation for all the people who are disabled.

Let me also say what it's all about, which I'm just going to emphasize, and I think we do know. All they're talking about is access: access to employment, a meaningful way of life; access to public services, which are given to all of us and paid for with taxpayers' money; access to buying a product to carry on their life; access to transportation. These things are basic. I really am confused when we have this sort of debate as we talk about a political issue. I think today we have the opportunity, all of us, to pass the motion and move it along so we can have that law in effect, and I support it very much.

I just want to take a second to say that it was an excellent speech given by my colleague the member for Carleton East, and also the presentation prepared by my colleague here. We are in strong support, and I hope we all have that support in making this resolution pass today without the dance and fanciness that goes on here each day.

**1100**

**Mr Peter Kormos (Welland-Thorold):** First, I want to tell you that every New Democrat in this Legislature stands firmly behind this resolution, not just vaguely, in principle, but with respect to every facet of this resolution, which calls for real and meaningful enforcement of what are basic human rights in this province.

I'm concerned about the vagueness of the Tory support. I'm concerned about the fact that they support this in principle today, yet within months of forming government they repealed equity legislation, modest legislation that gave some access to persons with disabilities to our workplaces. You see, it's not just about eliminating barriers to buildings; it's about ensuring that every Ontarian, and today we're speaking about persons with disabilities, has access to the economic activity of this province as well; that persons with disabilities have a right to real jobs with decent wages; that persons with disabilities have a right to housing that is appropriate for them and that is decent and affordable housing.

We need firm laws to establish firmly in this province that every Ontarian is going to be included in the day-to-day activities of Ontario life. This government has not made that commitment. I call upon Tory backbenchers to forget the whipping today and vote with their consciences.

**Mr Michael Gravelle (Port Arthur):** I'm very pleased to have the opportunity to speak in very strong support of my colleague from Windsor-Walkerville's resolution today, and also to speak on behalf of the disability community in Thunder Bay and northwestern Ontario, which has worked so hard to have this legislation brought forward.

The truth is, I think my colleague will probably be the first to say that he wishes he wasn't bringing forward this resolution. We all wish this government was bringing forward legislation that indeed would be meaningful and indeed would have some true effect and make a real change in terms of the disability community. The fact is, it has become increasingly clear, especially in terms of the speeches that were made today, particularly by the member for High Park-Swansea, that this government will bring forward legislation but will be dealing very much on the basis of voluntary compliance.

We know that the efforts to secure voluntary compliance over the past 20 years have not been effective. It is our responsibility, and our obligation as legislators, to make sure that legislation comes forward and that the promise that was made by Mike Harris is kept not in some shallow, hollow fashion, but kept in a meaningful way. Because the truth is that Ontarians with disabilities still face massive unemployment rates and systemic exclusion from education, mainstream public transit, employment, job creation, housing, and many other areas.

If I may just say so, the consultation process that has been discussed by the government members was truly one that was completely insulting from the very beginning. The fact is that in April the Ontarians with Disabilities Act Committee presented a blueprint and wanted to present it to all three parties in a rather non-partisan fashion. I was very proud, as the member for Port Arthur and on behalf of the member for Fort William, Lyn McLeod, who couldn't be there, to accept that blueprint on behalf of the group. Persons United for Self-Help, PUSH Northwest, presented that to me.

What was shocking about that at the time was that not one government member would accept that particular blueprint. That was certainly a bad sign. This was already after an extraordinary delay in the process where the minister and the former minister would not even meet with the Ontarians with Disabilities Act Committee. This blueprint is one that is very clear in terms of what the needs are.

The consultation this summer was truly a farce. The fact is that PUSH Northwest went to the session chaired by the member for High Park-Swansea and were told that they would have an opportunity to speak but that they couldn't stay. They sat in that room and told the member that they were not going to leave, that they were going to stay there and sit in because it was their right to do so. We

were proud that they did so. They were able to listen to the presentations, all of which supported the fact that there needed to be mandatory and clear, meaningful legislation, not the legislation that unfortunately we're now expecting to see.

I'm glad to have had an opportunity to state my case in strong support of my colleague from Windsor-Walkerville.

**Mr Bradley:** I'd like to thank my colleague Dwight Duncan from Windsor-Walkerville for bringing forward this resolution this morning. I suspect the resolution will receive unanimous approval of this House. The real proof of whether it's going to be implemented, of course, will be in the actual legislation that is forthcoming.

I'm a bit concerned by the defensiveness I've heard and some rather partisan remarks that have come out this morning from some of the Conservative members. It appears that they are uneasy with many of the provisions that might be contained in this kind of legislation, and of course the proof will be in the actual detail of the legislation that we see. I was concerned about the controlled, restricted and limited consultation that took place behind closed doors. It would have been advantageous to have open consultation, widespread consultation across the province, to come forward with an act which is truly going to be meaningful.

When I hear the words "workable," "voluntary" and "practical" used, it seems to me they're code words. They're code words which, to those who are opposed to this kind of legislation, will give them some ease. If you look at the Ministry of the Environment, for instance, when you say, "Will you please, on a voluntary basis, clean up the environment" or "Be good environmental citizens," some might well do that but many will not. It requires enforcement, it requires strong provisions within the legislation and the regulatory framework.

What individuals with disabilities in Ontario are looking for is not some privilege but the right to enjoy the same kind of life that others in our society enjoy in terms of access to housing and transportation, and particularly access to good jobs that might be available within our society and certainly within our province, and access to education and physical access to buildings and to our society as a whole. We have made some progress in the last number of years. Much more progress has to be made.

As they see the television ads that come on, costing the Ontario taxpayer millions of dollars — self-serving, blatantly political advertising, whether it's on health care or education or municipalities, whatever it happens to be — they must be thinking, "Wouldn't it be nice if that kind of money could be invested in services that would assist people with disabilities to be part of the mainstream of Ontario," as all want to be part of the mainstream of Ontario. Yet they see that money being wasted, squandered, thrown away on self-serving advertising. I think that money could be converted to much better use.

I hope all members of this House support this motion. More importantly, I hope the bill that emerges is truly meaningful and beneficial.



**The Acting Speaker (Mr Gilles E. Morin):** Member for Windsor-Walkerville, you have two minutes.

**Mr Duncan:** I want to begin by thanking my colleague from St Catharines, Jim Bradley. To those in the community watching and listening today, Mr Bradley gave up his private member's time to allow us to bring forward this resolution, and he deserves tremendous credit for the support he has given to the disabled community throughout Ontario.

I listened carefully to the parliamentary assistant to the minister, and I believe he said they are asking the government members to support the resolution and I welcome that.

I welcome that because I thought his other comments weren't accurate in many respects. There was no meaningful consultation this summer. People were barred from participating. That's why we brought this resolution forward, so we could have an open discussion about these issues. We haven't had that, we haven't. Members were excluded. My colleague from Carleton, M. Morin — we made a conscious decision not to participate. We met with groups throughout the province to hear their point of view. Any notion that that was a meaningful consultation should go right out the window.

I say to my colleagues opposite and my colleagues on the opposition benches, we have a real opportunity to leave a meaningful legacy of recognizing the inherent rights of every member of this community to be full partners in this community. We have the opportunity to pass legislation that will be meaningful and enforceable, that goes beyond voluntarism and says to the disabled community, "You are full partners, you belong here." I say to my friends on all sides that the most able people I have met in my life I have met from the disabled community as I talked about this resolution throughout Ontario.

**The Acting Speaker:** The time for the first ballot item has expired.

1110

## MEDICINE AMENDMENT ACT, 1998

### LOI DE 1998 MODIFIANT LA LOI SUR LES MÉDECINS

Mr Kwinter moved second reading of Bill 2, An Act to amend the Medicine Act, 1991 / Projet de loi 2, Loi modifiant la Loi de 1991 sur les médecins.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the member has 10 minutes for his presentation.

**Mr Monte Kwinter (Wilson Heights):** Bill 2 is the successor bill to Bill 126, a virtually identical bill that I introduced and that had unanimous consent at second reading on May 8, 1997. I'd like to say that I have made one change to the bill. I have inserted one word. I want to read the crux of the bill, which is very short, very succinct but very important. It says:

"A member shall not be found guilty of professional misconduct or of incompetence under section 51 or 52 of

the Health Professions Procedural Code solely on the basis that the member practises a therapy that is non-traditional or that departs from the prevailing medical practice unless there is evidence that proves that the therapy poses a greater risk to a patient's health than the traditional or prevailing practice."

The one word that has been added is the word "solely." The question is why? Why add the word "solely"? I would like to quote from the World Health Organization's 1989 Helsinki agreement, which was signed on behalf of Canada, and by definition on behalf of all the provinces and territories, by the Minister of Foreign Affairs at the time.

The provision in that agreement says, "A registered practitioner shall not be found guilty of unbecoming conduct, to be found to be incapable or unfit to practise medicine or osteopathy solely on the basis that the registered practitioner employs a therapy that is experimental, non-traditional or departs from prevailing medical practice, unless it can be demonstrated that the therapy has a safety risk unreasonably greater than the prevailing treatment."

That is almost identical to the wording of this new bill.

I would like to quote from a letter from Dr Linda Rapson, who is the chair of the complementary medicine section of the Ontario Medical Association. She says:

"Dear Mr Kwinter:

"As chair of the complementary medicine section of the Ontario Medical Association, I wish to thank you for bringing Bill 2, An Act to amend the Medicine Act, 1991, before the Legislature. This bill is an improvement over its predecessor, Bill 126, which we supported last year. By adding the key word 'solely' to the bill, we believe you have gone a long way to answer the sincere concerns of some individuals and organizations with respect to the potential for this bill to weaken the traditional public protection we have come to expect from the College of Physicians and Surgeons of Ontario."

That is very significant, because I can tell you that virtually the only resistance I got to this bill was from the College of Physicians and Surgeons. It's interesting to note that the last time this bill came forward, they wrote a strident, strong letter to the Minister of Health saying that they could not support this bill. I think it's somewhat significant to note that this time there has been no comment whatsoever by the college.

What has happened since Bill 126 was passed? Interestingly enough, the bill was passed on May 8, 1997. On May 10, an advertisement appeared in the Toronto Globe and Mail announcing that an ad hoc committee on complementary and alternative medicine was to be set up and would meet, and the public was invited to make representations.

The hearings were held in June, and I just want to tell you what happened when they set up the committee. The ad hoc committee on complementary medicine, which studied the issue of regulating physicians who provide non-traditional diagnostic methods and remedies, met for two days of public hearings. The College of Physicians and Surgeons committee report concluded that patients

have every right to seek whatever kind of therapy they want. In addition, the committee stated that regardless of the kinds of therapies or practices they choose, physicians are accountable not only to their patients but also to the college, and ultimately to the public at large. I have no question or problem at all with that.

What has also happened is that the Ontario Medical Association set up a probationary section on complementary medicine. At their last meeting, held on September 16 or 17, 1998, the board of directors passed a resolution that recommends that full status should be given to a complementary medicine section of the OMA. So after the probationary period they have realized that this is viable, that a lot of doctors want to affiliate, and as a result we have the Ontario Medical Association now giving full and permanent status to that section, which is a very significant advance for doctors who are practising complementary and alternative medicine.

Interestingly enough, on October 20, just a week ago, the United States Congress passed legislation that's going to change the face of health care in that country forever. What they've done is pass legislation that allows for the Office of Alternative Medicine at the National Institutes of Health to be changed from being an office to a center, which means it gets \$50 million worth of funding. In addition, the legislation provides \$1 million to support the establishment and operation of a White House Commission on Complementary and Alternative Medicine to study and make recommendations to the Congress on appropriate policies regarding research, training, insurance coverage, licensing and other pressing issues; again, a very significant step forward.

In our own country — this is interesting. On September 16 an article in the *Toronto Star* said, "Mount Sinai Gets Clinic for Acupuncture."

"A new acupuncture program has been launched at Mount Sinai Hospital in conjunction with the Michener Institute and is heralded as the first of its kind in Canada.

"The program, part of the hospital's pain clinic, will be an important bridge between traditional Chinese and Western medicine, said Michener Institute president Renate Krakauer.

"We're delighted," she said.

"On hand at the press conference, yesterday, was Mount Sinai Hospital president Ted Freedman and Isabel Bassett, Ontario's minister for citizenship, recreation and culture."

An article appeared in the *Toronto Star* on September 17 about a conference held in Toronto. It says, "Traditional Healing Can Treat Menopause." A researcher from Columbia University's medical school in New York stated that this is a process that has been tried for centuries and is something that mainstream doctors are now getting hold of. An interesting comment she makes is, "In Europe, St John's wort, a botanical used to treat mild to moderate depression, another common complaint of pre-menopausal women, 'is outselling Prozac by leaps and bounds.'"

Another interesting article says, "Alternative Medicine Gains Acceptance."

"Almost two thirds of traditional US medical schools now teach alternative therapies, including chiropractic, acupuncture, herbal remedies and mind-body medicine, a survey found.

"With millions of Americans visiting alternative practitioners yearly, educators have no choice but to respond to this relentless challenge to evolve.

"The survey of 125 medical schools found that of the 117 reporting, 75 of them now include in their curricula alternative medicine."

I have very little time left but I do want to quote from a letter that the Minister of Health sent to a constituent. This letter is quite significant in that what it does is it gives, for the first time that I have seen, an acknowledgement by this government that they are supporting this initiative. In her letter she says:

"I want to assure you that this government supports freedom of choice for patients for a range of care options as long as people are not put at unnecessary risk. This includes physicians who use non-traditional treatments as long as they maintain the standards of the profession and have the skills, the education and training necessary to provide such treatments."

I couldn't have said it better. This is exactly what this bill proposes. This is an issue that I think will dramatically change the face of medicine in this province, as it has in many other jurisdictions, and it is something that will give freedom of choice for patients and freedom of choice for doctors.

1120

**The Acting Speaker:** Before we continue, I'd like to recognize in the gallery the former member for York East, Mr Malkowski.

**Mr Peter Kormos (Welland-Thorold):** On a point of order, Speaker: You're quite right, Gary Malkowski is in the members' gallery. Gary Malkowski is also deaf. Gary Malkowski, as a member of the public and as a former member of this Legislature, has every right to attend in this chamber. I submit to you that he has every right as well to understand what's being debated in this chamber. I point out to you, Speaker, on a point of order, that the absence of any signing interpreters available for Mr Malkowski, the absence of any visible written interpretation of what's being said in this House that's visible within the Legislature, both illustrate how inaccessible —

**The Acting Speaker:** Thank you. As you know so well, that has nothing to do with procedure, but I think it is a good suggestion. Perhaps you could bring it to the attention of the Speaker or do it officially and send it to the Legislative Assembly committee.

We will now proceed with the debate.

**Mr Gilles Bisson (Cochrane South):** I want to take this opportunity, first of all, to tell the member who brings forward this resolution that we will be supporting, as we did the last time, this particular bill because we think it is a step in the right direction, given where health care is going generally in Ontario.

I also want to take this opportunity as a member from northern Ontario to speak about what it means for us in



the northern part of the province where often health care services are much more difficult to attain because of the geography in the place we live, and also the overall system of health care and the way it's been developed over the past number of years.

If a person is unfortunate enough to be ill in Toronto or Ottawa or Windsor — it is never good to be ill but if you're going to be ill I guess this is the place to do it — there are various places to access the health care system in places like Toronto and other major cities: health clinics, various specialists, hospitals, you name it. There is a multitude of points of access to our health care system. But that is not the case in northern Ontario.

If you're fortunate enough to live in some of our communities such as Timmins, Sudbury, Thunder Bay or Sault Ste Marie, you have generally fairly good services, but if you live in communities like Hearst, Kapuskasing, Cochrane, smaller communities such as Ear Falls and others, services in health care are very difficult to come by at best.

One of the things this bill will do, hopefully in the longer run if the government would wish to adopt it, is to give people various options when it comes to how they're treated within our health care system. It is not appropriate all the time for people to just solely utilize a doctor when it comes to a particular ailment that they may have when they're not feeling well.

Our government, under Bob Rae, started the process of using nurse practitioners. We know that in places, especially remote communities where there is difficulty attracting a full team of doctors to man an emergency room and give full 24-hour coverage seven days a week, properly trained nurses with the proper supports put in place can go an extreme long way to offset the need of the community when it comes to access to health care. That's the way I view this bill, because we need to look past the regular styles of health care and those practitioners within it who we see now and we need to take a look at broadening our understanding of how you're able to access care when it comes to your particular disease.

We look back in the past. I know within the medical community certain doctors look at this as being unfriendly legislation. But I also remind physicians that when we look into the past, many of the things that we now take for granted within our health care system were seen as buffooneries of health care 100 and 200 years ago. What happens within health care and other things is it becomes organized to a certain extent, and those people who tend to control the majority of what happens in our health care system are the doctors.

We need to take a look at, yes, doctors are important. They play an integral part in our health care system. But we need to look beyond to how we involve other people in the system of health care to ensure that we are using our health care system in the most efficient manner when it comes to the delivery of the health care itself, in other words, services, and also when it comes to the dollars we spend.

I want to speak from where I come from. I look at communities like Hearst or Attawapiskat or Peawanuck or Ogoki, communities where health care services are a little bit more difficult to come by. If you're a patient living, let's say, in a place like Peawanuck and you're unfortunate enough to get a heart attack — first of all, does anybody know where Peawanuck is? Probably most people in this Legislature don't. It's in Ontario. It's all the way up on the Hudson Bay coast, and most members of this assembly probably have never been there, but if you live in Peawanuck and you happen to get ill, it's not a question of jumping in a taxi and going three blocks down the road to Toronto Western or whatever hospital may still be open by next year here in Toronto. It's a question of going to a first-aid station and hopefully having a nurse there to be able to stabilize your condition, and if you need more profound treatment, of having a helicopter flying up from Moosonee, a Twin Huey, for what would be about a four-hour ride just to get up into Peawanuck and a return four-hour helicopter ride coming back and stopping for fuel in Attawapiskat.

The point I make is it's not very easy to access services in many of those communities, so we need to take a look at, how do we deliver services in communities such as Peawanuck? I think one of the answers, not the answer but one of the answers, is to say yes, we need to take a look at how we use other health care professionals within the health care system, not only how we use the nurse practitioners but how we might be able to use other people who have more traditional lines of being able to deliver health care services.

I look at the native community on the James Bay coast. There is a long tradition and a long understanding within the native community as to what are appropriate responses to ailments for the people of the first nations of this province and of this country, and they have traditional healing people. In fact, in the city of Timmins, we have the Timmins native health centre, which provides to the native community and non-native people who are interested more traditional means of delivering health services. I think this bill to a certain extent would be able to address some of that so that people, where appropriate, can rely on some of those more traditional healing methods and, where appropriate, use more traditional ones, as the case may be. I think the bill definitely goes in that direction.

You can't get into a health care debate in this province without talking about the Harris government and the record they have. I remember well Mike Harris in opposition, and when Mike Harris went through the whole process of putting together the Common Sense Revolution in the run up to the election of 1995, Harris stood in this House and promised us and the people of Ontario that if ever he was the Premier, not one cent would taken out of the health care system, that he would guarantee health care services to people, because that was the holy of holies.

I remember during the campaign of 1995, as it relates to this bill, Mr Harris promised that he was going to do a whole bunch of neat things and positive things when it came to health care service. Did Mr Harris, on being

ected to government, first of all adopt the previous bill that the member introduced, Bill 126, which was very similar to this one? No. What did Mr Harris choose to do? Mr Harris chose to gut the health care system as we know it. The government is in the process now of cutting over 30 hospitals, shutting down over 30 hospitals in Ontario. By shutting down those hospitals, he is going to make it more difficult —

**The Acting Speaker:** Member for Cochrane South, I have to interrupt you. This bill is quite clear. It's Bill 2, An Act to amend the Medicine Act, and that's the topic you have to debate on.

**Mr Bisson:** Mr Speaker, we're talking about amending the Medicine Act, and with all due respect, one of the things he is trying to do through this bill is give people the opportunity to seek other forms of —

**The Acting Speaker:** I think I've been very clear. I don't want an argument. I've been extremely clear. It's Bill 2.

**Mr Bisson:** I would love to say something that comes to my mind, but I won't repeat it. I will get back to the debate at hand.

**The Acting Speaker:** This is a total lack of respect vis-à-vis the Chair. When you address the Chair you address yourself. That means you have no respect for yourself, and I won't tolerate that. I will give you another chance.

**Mr Bisson:** Back to the topic. We're discussing health care and we're discussing the Medicine Act. Basically the member is trying to bring a bill in that makes it possible for people to access various alternative forms of health services, and if that's not related to the overall health care system, I quite frankly wonder, because that's the point that the member tries to make through his bill.

The member says we can't look at just traditional methods when it comes to being able to access health care services, we need to take a look at alternative forms of delivery, and that is something that's not separate from our health care system. To somehow come here before us and say these two things aren't related, I don't agree. They are very much related.

The point has always been that health care services have been dominated by the medical professions, and the medical professions have dominated what happens within the health care system. What the member is trying to do is open up the scope of practice to a certain extent to allow other people, the public, the option when they're feeling ill to seek out alternative forms of health care delivery.

1130

I make this point: One of the reasons this bill becomes more important is that this government since 1995 has gutted and cut at the health care system in this province to an extent that we have never seen before. They're in the process of closing over 30 hospitals, which probably will make it, if this bill passes, a little bit better for people to access various styles of health care, but nonetheless this government is basically taking apart a system of health care.

The point I am trying to make is very simply this: I don't believe for one second that even if the government votes for this bill, they're going to do anything to allow this bill to get the light of day past the committee process, if it's lucky enough to get there. Why is that? It's because the Harris government has an agenda when it comes to health care, they want to move towards the privatization of our health care system over the longer term and they want to move to a two-tiered system and very much more a system as we see it in the United States. I as a New Democrat, founding party of our health care system in this country, started by Tommy Douglas and others of the CCF in Saskatchewan, will not sit idly by and watch this government rip apart what is the best health care system in the world.

**Mr Dan Newman (Scarborough Centre):** I'm pleased to participate in the debate on Bill 2, brought forward on behalf of the member for Wilson Heights. I know it's an issue he cares very passionately about as back on May 8, 1997, he debated Bill 126, which was a similar bill with the exception that Bill 2 has the word "solely" included in it whereas it wasn't in Bill 126.

As the member for Scarborough Centre, I will support this bill in principle, as I did on May 8, 1997, with Bill 126. At this time I want to remind all members of the House that the province of Alberta has enacted similar legislation, as have the states of Alaska, Colorado, New York, North Carolina, Oregon and Washington.

As I can see from the crowds here in the gallery today, the member for Wilson Heights seems to have a knack of drawing large crowds of people around him these days on various issues.

Support on this side of the House will be in principle for the bill, based on the fact that currently legislation and regulations already allow alternative practitioners to practise within Ontario, and they can practise without the fear or perceived fear of reprisal.

I believe that physicians and other health care professionals who use both traditional and alternative or non-traditional treatments should be able to practise as long as they maintain the standards of practice of the profession, work within the scope of practice, have the skills, education and training for their practice and do not cause serious physical harm or put their patients at or in unnecessary risk.

It's interesting to note in today's Sun newspapers — and I hope in a few weeks or a few months from now we will still be able to call them Sun newspapers — that the Canadian Medical Hall of Fame last night welcomed 11 medical pioneers in a ceremony in Ottawa. It's important to note that today's non-traditional or alternative practitioners could very well be tomorrow's pioneers. History has a way of doing this. Honourees last night included stroke expert Dr Miller Fisher, psychiatric pioneer Dr Heinz Lehman, as well as the late Dr Norman Bethune, who was inducted into the hall.

This bill, Bill 2, would enshrine in legislation professional misconduct guidelines that historically have been dealt with through regulation. I have received letters of



support for Mr Kwinter's bill from the Ontario Society of Physicians for Complementary Medicine. They represent licensed physicians, family doctors, specialists in diverse fields such as anesthesiology, oncology and occupational health. Some of the treatments integrated into their practices today include acupuncture, homeopathy and orthopaedic medicine.

I have received letters from the complementary medicine section of the Ontario Medical Association. They represent specialists from such diverse fields as internal medicine, occupational health and oncology and many in between. I also received a letter from the Acupuncture Foundation of Canada Institute.

Now let me turn my focus to the College of Physicians and Surgeons of Ontario. It is the college that has the mandate to regulate the practice of the medical profession and to govern the members in the public's interest. It's the college that decides what, if any, changes they want in their own bylaws. It is the College of Physicians and Surgeons of Ontario that, if they still have concerns, is much happier today with Bill 2 with the inclusion of the word "solely." Yet the bill still places the burden on the College of Physicians and Surgeons of Ontario to prove negligence, and there is a lack of research available today to evaluate the safety and efficacy of many of the alternative therapies.

To my friend from Wilson Heights across the way and to all members here today, I say that I will support this bill in principle, just as I did Bill 126. Let us accept this bill in principle on all sides of the House. Let us bring Bill 2 forward to committee for public hearings to ensure that the rights of patients are front and centre in Ontario.

**Mr Gerard Kennedy (York South):** It's a pleasure to be able to speak in favour of this bill, as it was for Bill 126, and also to acknowledge why we are here today. This is not just about alternative medicine, the subject, itself; it's about the role of the Legislature. We have a member in Monte Kwinter who is doing, I think, the kind of job that we are put here to do, which is to bring issues which would not otherwise get a voice into the public domain.

Monte Kwinter brought Bill 126 forward, and it by itself has had some of the desired impacts. We need this subject to be debated. We need this to be part of how we examine the public interest in terms of people's ability to maintain their own health. Nothing more personal, nothing more important happens in society, yet up to now this had been left in the shadows, in the backrooms of medical decision-making, and it doesn't belong there. It's extremely important that it happen here today and that we look at this as simply an enabling that this Legislature can do to put this issue where it belongs: in the hands of people who are capable, with the appropriate measures being taken by this Legislature to ensure that people are protected.

All of that is in the wording of this current bill. In fact, with the changes in the bill, I think this bill is complete in the sense that it meets all the concerns that have been raised by people who are potentially worried about the effect of that discussion. I'm not worried about that dis-

cussion; I'm not worried about creating a better, clearer form of access for people to the complementary practices that we have. It's a service that this Legislature needs to do and it's well overdue.

For people in the public who often shake their heads and wonder whether the Legislature is a place for politicians to do them that service, to be able to stay in touch with their concerns, this bill today is a test of that, because complementary medicine, when you look at what we are talking about, the specific practices in terms of acupuncture, in terms of holistic therapy — some of those have been around longer than the traditional medicine that some other people have felt is under attack. If we look closely at this bill, it only takes us to a certain point that says, "The people we have who are certified in our traditional therapies can, using that knowledge and the other knowledge they have acquired, practise other therapies that are safe for their patients." It is only a small device; it's just a strategically important one to be able to make sure we don't subject the biases we have been brought up with in terms of access to traditional medicine.

I want to mention that Monte Kwinter came to this bill as somebody without biases in one direction or another, and he is to be complimented all the more for examining the case for this kind of practice on its merits. Again, I think it distinguishes us as legislators to know that we are supporting that specific kind of effort.

The beneficiaries here are many. The public certainly stands to benefit. We have to, in this time of an aging society, examine the various options which are open to us. We have to embrace them, we have to bring them into the public light, we have to evaluate them for the public safety, but we have to make sure that people can make those choices. This is not just about consumer choice; it's about something more fundamental. Our whole public system hinges on those things we can do together, and keeping people healthy is certainly one of those things.

It also has a political benefit. It brings merit on to everyone in this House to see this pass, and I think pass all the way through. But specifically for a government in the throes of many credibility problems around health care, this is a significant opportunity for the members of that government to show that when it comes down to it and they are given an opportunity like this, a non-partisan chance to advance the interests of the citizens of this province in such an important fashion, they will take advantage of it.

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**Mr Kormos:** I want to commend Mr Kwinter for, among other things, his perseverance in reintroducing this bill as Bill 2 on this occasion, and to indicate that I will be supporting this bill without hesitation.

First of all, it has already been suggested this is, at the end of the day, a relatively modest proposal. It doesn't in any way lower the level or reduce standards for practising physicians. In fact, it reinforces and repeats, rearticulates, that there's a high standard that physicians have to function by. It permits them to diversify the types of treatments that they may engage in with particular patients.

Within the lifetime even of the youngest member of this Legislature we've seen dramatic changes in the types of treatments that are considered appropriate or acceptable. We still suffer from an incredible ethnocentrism, if that's not an inappropriate word, in terms of our fear or mistrust of medical treatments that somehow aren't North American.

I can speak very much from my own experience. I've been getting acupuncture treatments from Dr Michael Venneri in St Catharines. He's a chiropractor, not a physician; a very competent young chiropractor. Dr Venneri, over on Welland Avenue in St Catharines, has a very broad-based approach to treatment.

I've been taking acupuncture in an effort to quit smoking, to overcome that addiction. I'm not a poster boy for overcoming smoking addiction. I suppose in some respects I speak as well as anybody because I've done it many times. I want to tell you that my experience — and this is my first experience with acupuncture, with Dr Venneri in St Catharines — has been an extremely positive one and, quite frankly, I am optimistic.

I don't know how it works. I'm not going to pretend to know how it works. I don't want to know how it works. All I want to know is that at the end of the day I'm no longer smoking and no longer a victim of those predators in the corporate world that would sell one of the most addictive substances — it is, Speaker — that we know in our community. They realize people my age are less inclined to smoke; now they're peddling it to kids.

When we talk about the Medicine Act and practising physicians and surgeons, it's hard not to consider just where it is that physicians are going to be practising when places like Hotel Dieu in St Catharines are shut down, boarded up, sold off. That's what happened earlier this week. The health restructuring committee of this province said Hotel Dieu is gone, the only Catholic hospital in the Niagara region. That's where physicians practise and that's where they're going to be entitled to practice these alternative medicines if Bill 2 becomes law, as I hope it does. That's where they're going to be engaging in these practices — oh, in some respects in their own offices, but they're going to need these hospitals and the hospitals have to be capable of accommodating this broad range of treatments and treatment approaches.

So this government shuts down Hotel Dieu. There may well be Tory members in Niagara who all of a sudden now want to join some sort of rallying cry to keep it open, but where were they when thousands of people were gathering across Niagara protesting the attack on hospitals in Niagara region?

You're quite right, Speaker, I'm digressing. I'm not speaking directly to the bill before the Legislature. I've already told you I'm going to support it and I've already commended the member for introducing it, not once but twice, and I've already expressed my concern about this government's attack on hospitals and its shutdown, its closure, its boarding up, its selling off of Hotel Dieu, one of the most important — well, no less and no more so, but

an important and integral part of the hospital and health care system in Niagara. Shame on them.

**Mr Frank Klees (York-Mackenzie):** I'm pleased to rise today in support of this bill. I supported it the last time it came before the House and I will do so again today.

I also want to say to the member that he was obviously well organized in presenting the issues around this bill because I have many petitions that have come to my office in support. In fact, it was the petition that focused me on the rest of my remarks that I'll make that I trust will be considered as helpful, because in this petition one section of it reads as follows:

"Ontario health consumers deserve reliable access to competent doctors who offer safe, beneficial and low-cost alternatives to conventional medicine."

That brings me to the point I would like to make. I do believe that consumers in our province should have choice, that alternative medicine is clearly an option that people should have in our province. What I'm concerned about, however, is that this bill makes absolutely no reference to the issue of ensuring that those doctors who would be practising the alternative medicine would in fact have the appropriate training and the necessary background to administer that alternative medicine.

We know that traditional Chinese medicine and acupuncture is an entirely different system of medical science. The complete training in the profession, for example, of TCM and acupuncture, requires four to eight years of full-time study. What I'm concerned about here is that we would have western doctors simply move into this area of practising alternative medicine without the appropriate training. Bill 2 makes absolutely no mention of any training requirements. I believe it would be absolutely essential that that component of training be addressed, and I look forward to participating in that discussion through the committee process to ensure we've addressed that.

For the record, the member made reference that there was perhaps only one letter of objection to the previous bill proposed. I certainly received, and perhaps the member did not receive, a letter that was sent out that actually listed some 18 organizations that objected to the previous bill and would object really to this bill as well on the principle that I've just mentioned. For example, the Canadian School of Eastern Medicine, the Chamber of Chinese Herbal Medicine of Canada, the Chinese Medicine and Acupuncture Academy of Toronto, the Chinese Medicine and Acupuncture Association of Canada, and it goes on to list a number of organizations that object to the bill in its present form. I undertake to work with the member and with other members of the Legislature to ensure that the concerns of these organizations are addressed.

I commend the member for bringing it forward. It will bring choice into the system that now is restrictive in that regard and I look forward to working with you.

**Mr Richard Patten (Ottawa Centre):** It's a pleasure for me to take part in this debate. I want to compliment my colleague the member for Wilson Heights for having stuck with this issue and maintained his conviction to bring back this bill, one that I believe represents progress, a step



towards recognizing complementary medical treatment in Ontario, something that really is long overdue.

It seems to me, and I think we would all agree, that any body of knowledge, by the strictest definition of the term, must be added to, redefined, refined over a period of time. So it is with the large body of knowledge that we refer to as modern western medicine. It's not static and it's not all-knowing. Like anything else it must evolve and that's one reason why we're here today.

This legislation is a means by which we can address an issue that consistently faces our doctors or practitioners in relation to their patients. How does the system help patients to proactively take responsibility for their own health? One answer of course is by giving doctors and practitioners a wider range of options with which they can encourage self-treatment.

When we look at health and the human body, the human body, as we know, has the unique capacity, far greater than many people think, to heal itself, and encouraging that process is a key to quality of life. Conventional medicine too often is about after-the-fact treatment. Complementary medicine often seeks to promote well-being before the fact.

Lately we've had a lot of talk about bricks and mortar and hospitals, and doctors and nurses, but this bill helps to add what I believe is something extremely important, and that is the concept of self-responsibility and the concept of being able to participate more fully in the process of treatment and self-treatment. It seems to me that doctors should have the right to practise medicinal methods that are beyond — I know my doctor advises me on vitamins and herbal substances that he believes are of import, and more and more doctors are doing so, even though perhaps they don't have the legislation to back it up and that's why this is important.

When we look at the cost benefits, the practice of complementary medicine dovetails really neatly with the long-stated goal of both the federal and provincial health care systems: the benefits of exercising complete and preventive health care. I had the opportunity to look at a couple of hospitals in the Ottawa area recently. All their objectives were treatment oriented. There was not one word in those objectives about prevention, about helping people to be more aware of the ways they could contribute to their health.

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Because of the time factor I have to speak very quickly. We all know that at least half of all Canadians will use some form of complementary medicine this year, many of them with tangible good results. Similar to my colleagues who are speaking here today from the Toronto perspective, I want to tell you that in my riding of Ottawa Centre, I have many people from many lands and many parts of the world and they bring with them many perspectives and histories of medicinal healing and health. Those should be explored and recognized and added to our body of knowledge.

As legislators, one of our key responsibilities is to try to keep society's laws up to date. This legislation provides

us with that opportunity. We should seize the opportunity that this private member's bill gives us and recognize what more and more Canadians already know.

**Mr John Hastings (Etobicoke-Rexdale):** Je suis très heureux de participer à la discussion concernant le projet de loi 2.

Speaker, it's very important to compliment the member for Wilson Heights on his initiative in this bill. Seldom have we seen some really good ideas coming out of the official opposition. From that perspective alone it's good to see an original, or nearly original, idea in the area of health care.

Regarding my colleague the member for York-Mackenzie and his concerns about training and research, I think that if this bill gets to committee, it can widen the discussion regarding the major benefits and beneficiaries of this type of legislation. Specifically, I have many constituents who have approached me before you brought in your idea regarding this bill, that we ought to be elevating and legitimizing the status of alternative or complementary health care practices. Whether it be acupuncture, aboriginal medicine treatments and practices or Chinese approaches to medicine, we can learn a lot from those parts of the world. To some degree, the Western approach to medicine has assumed a superiority that it does not really have.

If the bill ever sees the light of day, I think it will advance and create a wider discussion about the benefits of health care. For the member of Wilson Heights, I was just thinking this morning about some of those things, like perhaps relieving, over the mid- to longer period of time the tremendous expenditure pressures on the Ontario drug benefit plan, because we would have a different avenue for treating some of these things.

I was thinking of many members of this House, and I include myself, and how acupuncture has helped a lot of people in the relief of anxiety, allergies or what have you. That's one significant benefit. Another benefit is that perhaps people will go back and look at how they can treat themselves rather than rush immediately to a doctor. What made me think of that, member for Wilson Heights, is that when I was a child, my mother used the old mustard plaster to eliminate colds and the flu. Why is that so soundly rejected today?

I see a wider benefit than simply allowing doctors to have a greater scope of practice. Those are two significant benefits that will come from your bill, as well as a possible new industry in terms of research on plants and animals that we are disregarding today.

I congratulate the member for Wilson Heights for introducing the bill widening the scope of practice. Let's hope we see this get to committee, because I believe it has many potential benefits and I congratulate the member for that.

**Mr Alvin Curling (Scarborough North):** I too want to commend my colleague Monte Kwinter, the member for Wilson Heights, not only for his perseverance but for the insight and the way he has researched this and consulted many in the community. I keep reminding him also that I have the privilege within my constituency of Scarborough

North to have many alternative and complementary medicines that I consult from time to time because of the large Chinese population in my riding. So I have that kind of privilege.

One of the things we always talk about in our society is that Canada is one of the best places to live in the world. I think that comes from the fact that the other phrase that comes with it is talking about celebrating our diversity. That diversity itself brings many things because our immigration policy attracts some of the finest minds around the world, and with the finest minds come some of the greatest traditions and practices that have been around for thousands of years. Some have come not only from China but from Europe and all over. That comes in a way that we can extract from those wise minds. Complementary and alternative medicine is one of those opportunities that we will tap in on and that's why I want to commend my colleague for this.

Of course, as I said, and the previous speaker mentioned it, I have seen alternative medicine a long time, from mothers or what have you. I think he made a very important point. It triggers off a discussion. It triggers us to start looking at even things within our own traditional society that we were discarding.

Sure, the physicians and surgeons and many of the associations want to see us do it in a proper way without any risk. The amendment to the legislation he has put forward is excellent because it gives a sort of comfort to those who are then moving into something that is new.

As we work along with this, I would like to see this move to second and third reading, but I also see the importance of our discussing this more, not because I would like to see it hurried through but because what debates have done and consultations really do for us is educate the population so they can be more informed so that legislators understand what they are doing.

For me to stand today and support this is supporting something that I have lived with for a long time and would have great comfort to know that the legislators of today have got this legislation, have exercised it, and now move forward so we can have proper legislation.

I'd like to give some of my time to my good colleague from Scarborough who also shares those sentiments.

**Mr Allan K. McLean (Simcoe East):** I am in support of Bill 2, An Act to amend the Medicine Act, 1991, put before this House by the member for Wilson Heights. I am pleased to relate some of my own personal experiences. I was here when we spoke on Bill 126 and I doubt if the member realizes the amount of good that previous bill has done people across this province.

I believe that the body's resistance to disease rests largely on individual choices on how we live and eat and how our lifestyle takes place.

My experience with Monte Kwinter's Bill 126 some time ago goes back to last December. Last December the doctor diagnosed me with diabetes. I had not realized how high my count was until a few episodes with the doctor. He instructed me that I would have to go on the needle. That did not sit very well with me. I thought there had to

be an alternative so I said to my doctor, "If I have to go on the needle, I presume I'm going to have change my lifestyle," and he said yes. I said: "I'll tell you what. I'll change my lifestyle and then I will determine whether I need to go on the diabetic needle or not."

So what did I do? I got Monte Kwinter's book that he had given me with regard to the different medicines you could take. I read that book and I made a copy of the page that dealt with diabetes. I took that and my wife and I went away for two weeks and I stuck by what that said to a T. Within two weeks my count was down to normal and my lifestyle had changed. My lifestyle today is because of Monte Kwinter's Bill 126. I've lost weight and my count is normal. So I commend you for what you have done.

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That's what I say in my opening remarks. There are probably a lot of people who have no idea of the amount of good that bill has done. The discussion we're having here today is another example of your commitment to the Medicine Act. I think it's been great. I can tell you that there are probably many other people out there who are watching who, if they can do what I have done on our health care system, there will be major savings.

Today, speaking briefly on this bill, it's a challenge for us and a challenge for the doctors to be able to put in place and allow to happen what this bill wants. "The challenge doctors face today is to try to separate what is obsolete information they got in medical school from what is current and more helpful to the modern way of living." Today's society has a great interest in natural self-healing. To achieve a balance between chemical drugs and natural healing requires revision.

An ancient Arabian proverb says, "He who has health has hope; and he who has hope has everything." I believe this bill, if passed, would allow a lot of people to find hope through an alternative and complementary natural healing process, as it has with me.

I'm here today to compliment the member for what he has done with regard to Bill 126 and with regard to this bill, Bill 2, and I'm sure the people out there watching will all benefit. If they change their lifestyle, exercise and eat properly, it will all work out for the better.

**Mr Gerry Phillips (Scarborough-Agincourt):** I too want to join in support of Mr Kwinter's bill. The previous member, Mr McLean, outlined the benefits he's found in complementary and alternative medicine. I would just say that I've literally talked to probably 100 different people who have a similar story to Mr McLean's, where they have taken the time to understand and learn about alternatives, have practised it and have benefited enormously.

I don't think there's any question that this bill has enormous merit. It will represent for many people a terrific opportunity to improve their health. And as someone said earlier, just in pure dollars and cents, it's important.

I also want to put it in a broader context, for me at least, and that is that we in Canada are developing a model for the world of how we can change our diverse society with a minimum of conflict. I'll just use the area I represent now. Fifteen years ago there was not a Sikh



gurdwara or a Muslim mosque or a Hindu temple, but they're all there now. We have enormous religious diversity.

I'll be going to a graduation tomorrow night where there are flags in the auditorium of the school from 80 different countries. That represents a flag from the countries where the students in that school were born — 80 different countries. In that school they accommodate the diversity, and the staff and the students understand the strength of that diversity.

What we have to do as a society is continually look at the various practices and make certain that we are changing and adapting. Access to trades and professions is another area where I don't think we've done nearly enough.

Mr Kwinter's bill, in the area of health and medicine, takes us an important step forward, where we recognize that there are more forms of effective practice of good health than we currently recognize in our legislation. This moves that forward and is an important step forward. But, as I say, I put it into a broader context. I think the magic of Canada will be in our ability to continually challenge the status quo and say, "How do we need to change our laws and our practices so that we take advantage of the diversity?" This is one step but an important step forward.

I want to close by complimenting Mr Kwinter. He has spent an enormous amount of time on this. Mr McLean talked about the book he received. I think Mr Kwinter sent us all the same book. He has been tireless in this. I hope that very shortly the House will approve his bill and we'll see the fruits of his many years of labour in the field.

**The Acting Speaker:** Mr Kwinter, you have two minutes to reply.

**Mr Kwinter:** To all of my colleagues in the House, I want to thank you for your support. I have not heard a dissenting voice but I did hear some concern and I want to address that, and I had to address it the last time as well.

It has to be made absolutely clear that what we're talking about is providing medical doctors with the ability to take a look at these alternatives that are available to them without being censured or found incompetent by the College of Physicians and Surgeons. That is all it's about. It doesn't take away the responsibility of the college or the medical practitioners to do no harm, to be accountable to their profession, but without this provision, just as all of you, I'm sure, have had faxes and letters from people who are concerned about this issue — and just take a look at the public gallery. When do you see this many people for a private member's bill? Hardly ever.

The college has said, "We have no problem." There has not been a dissenting voice from them on this bill at this time. It is impossible for a private member's bill to answer all of the questions that are out there. It just can't work. When you see government bills, some of them take 50, 100 or 200 pages. This is a private member's bill that builds a platform to allow doctors to use their best professional judgment to provide the best care for their patients. It also enables the patient to get freedom of choice and the

ability to have some control over what is happening to their bodies.

What we have to do is not only give this second reading today but, as our colleagues did in Alberta, give it third reading so we can get on with it, where we can save the province money and get the job done.

## ONTARIANS WITH DISABILITIES LEGISLATION

### LÉGISLATION SUR LES PERSONNES HANDICAPÉES EN ONTARIO

**The Acting Speaker (Mr Gilles E. Morin):** We will now deal with ballot item number 29, standing in the name of Mr Duncan.

Mr Duncan has moved private member's notice of motion number 23.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

## MEDICINE AMENDMENT ACT, 1998

### LOI DE 1998 MODIFIANT LA LOI SUR LES MÉDECINS

**The Acting Speaker (Mr Gilles E. Morin):** We will now deal with ballot item number 30, standing in the name of Mr Kwinter.

Mr Kwinter has moved second reading of Bill 2, An Act to amend the Medicine Act, 1991.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1209 to 1214.*

## ONTARIANS WITH DISABILITIES LEGISLATION

### LÉGISLATION SUR LES PERSONNES HANDICAPÉES EN ONTARIO

**The Acting Speaker (Mr Gilles E. Morin):** All those in favour of the motion will please rise and remain standing.

#### Ayes

Agostino, Dominic  
Arnott, Ted  
Barrett, Toby  
Bartolucci, Rick  
Bisson, Gilles  
Boyd, Marion  
Bradley, James J.  
Caplan, David  
Castrilli, Annamaree  
Christopherson, David  
Churley, Marilyn  
Colle, Mike

Grandmaître, Bernard  
Gravelle, Michael  
Hastings, John  
Hudak, Tim  
Jordan, W. Leo  
Kennedy, Gerard  
Klees, Frank  
Kormos, Peter  
Kwinter, Monte  
Lankin, Frances  
Leadston, Gary L.  
Lessard, Wayne

Newman, Dan  
Ouellette, Jerry J.  
Parker, John L.  
Patten, Richard  
Phillips, Gerry  
Pupatello, Sandra  
Ross, Lillian  
Sergio, Mario  
Shea, Derwyn  
Sheehan, Frank  
Silipo, Tony  
Skarica, Toni

Crozier, Bruce  
Curling, Alvin  
Duncan, Dwight  
Elliott, Brenda  
Ford, Douglas B.  
Fox, Gary  
Galt, Doug

Marchese, Rosario  
Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLean, Allan K.  
Miclash, Frank  
Mushinski, Marilyn

Spina, Joseph  
Tilson, David  
Vankoughnet, Bill  
Wettlaufer, Wayne  
Wildman, Bud  
Wood, Bob

## MEMBERS' STATEMENTS

### GOVERNMENT ADVERTISING

**Mr Frank Miclash (Kenora):** My statement is directed to the Premier and is in regard to his decision to spend more than \$42 million of taxpayers' hard-earned money to promote his government's extreme right-wing agenda, an agenda of cuts to health care and education, an agenda of closing hospitals and schools, an agenda of slash and burn.

Our health care system has been one of our proudest achievements, based upon the belief that every person living in the province has the right to receive the care they need regardless of personal circumstances or where they live.

Since 1995 we have watched Premier Harris and his revolutionaries promote an agenda that destroys, divides and demoralizes our citizens. In just a few short years they have forgotten the purpose of government.

No one is fooled by the Tories' attempt to position themselves as caring and compassionate as we approach the next election. Despite the millions they are spending on ads, Tories are committed to an agenda that is leading Ontario down the wrong path.

Forty-two million dollars would have gone a long way to solving the health care priorities of my constituents. Instead the Tories decided to use tax dollars to buy ads.

Forty-two million dollars would have gone a long way to ensure remote and northern communities had access to health care. Instead Premier Harris decided to buy ads.

Forty-two million dollars would have helped to hire and indeed rehire nurses. Instead Premier Harris bought ads.

Forty-two million dollars would have provided my constituents with the ongoing psychiatric services we need in our area. Instead Premier Harris and the Tories bought ads.

### SCHOOL CLOSURES

**Mr Bud Wildman (Algoma):** I think it would be instructive to outline how the new funding model under Bill 160 affects the viability of schools across Ontario and what challenges there are for school boards in making the tough decisions required. Ultimately the issue of school closings will be discussed well past the December 31 deadline.

Under the funding formula, staffing is based on an average student population of 450 to 500 for elementary schools and 900 to 1,000 for secondary schools. For areas with schools smaller than these averages, guidance counsellors, administrative staff, principals and vice-principals, librarians, special subject teachers — the staff required for each school — will be reduced.

For example, a small school with 150 students may qualify under the new funding formula for only one third of a principal to staff that school. Rural areas with small communities, and therefore small schools, are particularly hard hit by this formula. Maintenance costs under the new

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 56; the nays are 0.

**The Acting Speaker:** The ayes are 56; the nays are 0.

The doors will now be open for 30 seconds until we proceed with the second vote.

## MEDICINE AMENDMENT ACT, 1998

### LOI DE 1998 MODIFIANT LA LOI SUR LES MÉDECINS

**The Acting Speaker (Mr Gilles E. Morin):** All those in favour will please rise and remain standing.

#### Ayes

Agostino, Dominic  
Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Bartolucci, Rick  
Bisson, Gilles  
Boyd, Marion  
Bradley, James J.  
Caplan, David  
Castrilli, Annamarie  
Christopherson, David  
Churley, Marilyn  
Colle, Mike  
Crozier, Bruce  
Curling, Alvin  
Duncan, Dwight  
Elliott, Brenda  
Ford, Douglas B.  
Fox, Gary

Galt, Doug  
Grandmaitre, Bernard  
Gravelle, Michael  
Hastings, John  
Hudak, Tim  
Jordan, W. Leo  
Kennedy, Gerard  
Klees, Frank  
Kormos, Peter  
Kwinter, Monte  
Lankin, Frances  
Leadston, Gary L.  
Lessard, Wayne  
Marchese, Rosario  
Martel, Shelley  
Martin, Tony  
McGuinty, Dalton  
McLean, Allan K.  
Miclash, Frank

Mushinski, Marilyn  
Newman, Dan  
Ouellette, Jerry J.  
Parker, John L.  
Patten, Richard  
Phillips, Gerry  
Pupatello, Sandra  
Ross, Lillian  
Sergio, Mario  
Shea, Derwyn  
Sheehan, Frank  
Silipo, Tony  
Skarica, Toni  
Spina, Joseph  
Tilson, David  
Vankoughnet, Bill  
Wettlaufer, Wayne  
Wildman, Bud  
Wood, Bob

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 57; the nays are 0.

**The Acting Speaker:** I declare the motion carried.

Pursuant to standing order 95(j), the bill is referred to committee of the whole.

**Mr Monte Kwinter (Wilson Heights):** On a point of order, Mr Speaker: May I ask for unanimous consent for third reading of the bill?

**The Acting Speaker:** You're asking consent to order the bill for third reading. Is it agreed? I heard a dissenting "no."

#### Interjections.

**The Acting Speaker:** Mr Kwinter, we can order it to committee of the whole.

**Mr Kwinter:** The standing committee on general government.

**The Acting Speaker:** The bill could be sent to the general government committee. Is there agreement to this? Agreed.

All matters related to private members' business having been debated, I will now leave the chair and the House will resume at 1:30.

*The House recessed from 1221 to 1330.*



funding formula are based on the number of students in each school and not the actual size of the building.

When growth occurs under the funding formula, a grant for a new school will not be available unless the spaces within the school board are fully used. In essence, they must close small schools in order to get money for new schools. This is going to be a problem for neighbourhoods right across Ontario, both in urban and rural centres.

### SCHOOL ACCOMMODATION

**Mr Allan K. McLean (Simcoe East):** I'm recognizing the need for the Simcoe County District School Board to act now to build additional student accommodation space. This board realized 10 years ago that student accommodation in the south of the county would grow to the point that they would need a new secondary school in Innisfil. Explosive growth over the past five years has reached a crisis point. The Barrie secondary schools are at over-capacity by 1,600 students.

Ontario boards are in turmoil as they adjust to the new student accommodation funding formulas.

I have been contacted by many parents in Simcoe East expressing concern for Simcoe's struggle to adjust boundaries to accommodate all students. I feel boundary changes will cause disruption and upheaval for these families and students.

This government has given boards greater flexibility. Boards can now debenture costs, allowing needed construction to begin without delay. School boards have the flexibility to determine their own priorities. They have the flexibility to decide whether the student accommodation funding provided for every student should be used to build new schools or renovate schools to eliminate portables. This flexibility removes the barriers that delay construction.

I urge the Simcoe county board to proceed immediately with a new secondary school in Innisfil. This will provide some needed relief to current boundary attendance problems in the northern part of the county.

The Ministry of Education has given the boards in Ontario the opportunity to develop long-term capital plans.

### GOVERNMENT ADVERTISING

**Mrs Sandra Papatello (Windsor-Sandwich):** In Windsor today and this week you have subjected the public and my constituents to horrible, propaganda-type ads at their expense. Make no mistake, I will make sure that the people in my riding understand that they, the taxpayers, have paid for the Tory propaganda that should have been paid for by the Conservative Party.

I am asking the Premier to do the honourable thing and reimburse the taxpayers of Ontario, the government, all of the \$42 million that it is wasting when it should have been spent in places like Windsor.

This past summer alone, 230 times, ambulances were turned away. They could not dislodge their patients into the emergency rooms because our ERs had no room. That

could have been avoided. But \$42 million of their money was spent on your propaganda ads.

How many surgeries by Dr Akpata could have been done instead of cancelled? The day surgery couldn't guarantee that the patient would go home that night because there wasn't a bed in the hospital.

Instead you spent \$42 million on propaganda ads. That is unconscionable and has never happened in the history of Ontario. No matter what you say, the public will know that you are wasting their taxpayers' dollars.

### NORTHERN ONTARIO BUSINESS AWARDS

**Mr Tony Martin (Sault Ste Marie):** This Tuesday night in Sault Ste Marie, the community, under the able leadership of our mayor, Steve Butland, hosted the 12th annual Northern Ontario Business Awards.

This was a very exciting evening. Some 400 people gathered at the Ramada Inn — small business folks, big business folks, financial institutions, government representatives — all there for one purpose: to focus on and encourage and congratulate small business entrepreneurs in northern Ontario who have gone the distance in good times and in bad to be successful, to generate wealth, to make sure that there are jobs for those of us who call northern Ontario home, and to be honoured in a particular way on that evening.

Some of the people who were honoured — and they deserve certainly great praise — were Prestige Glass International of Elliot Lake; Nicholls Yallowega Belanger Architects-Architectes of Sudbury; David Liddle of North Bay; Jennifer McNutt and Brent Bywater of Callander; and McChesney Lumber of Timmins.

But most particularly for me was the fact that two small business people from Sault St Marie were centred out for mention and for recognition for the wonderful contribution they make to the small business environment in Sault Ste Marie. One of them is Vic Fremlin, someone we all know in Sault Ste Marie for being the champion of a local dairy called Lock City Dairies. He was certainly centred out with some deserved —

**The Speaker (Hon Chris Stockwell):** Statements.

1340

### ONTARIO ECONOMY

**Mr E.J. Douglas Rollins (Quinte):** Recently I had the pleasure to attend the Premier's Conference on Jobs and Prosperity in Kingston. It was one of seven such conferences taking place across the province this fall.

Prosperity has returned to the province of Ontario. Since our first throne speech, the Ontario economy has created 408,000 net new jobs. In the month of September alone, 64,000 net new jobs were created.

The question we face today is, how do we ensure that Ontario will continue to succeed and win in the competitive economy of tomorrow?

Presentations that addressed that question came from such individuals as the Honourable Bob Runciman,

Solicitor General; David Lindsay, president and CEO of the Ontario Jobs and Investment Board; and Finance Minister Ernie Eves.

However, the most impressive presentation did not come from these high-profile individuals but from five students who attend various high schools in my riding. These students were Chandra Pelysz, David Wright, Chris Francis, Shane Griffin and Nisshant Gogna.

These bright, brilliant, intelligent and articulate speakers spoke passionately about their beliefs. These charismatic speakers told the government that they believed their long-term prosperity depended on smaller government and lower taxes.

Thanks for travelling to Kingston.

### GOVERNMENT ADVERTISING

**Mr James J. Bradley (St Catharines):** One can judge a government best on the action it takes when no one is looking, when it can get away with the action that it is taking.

Without editorials scolding the Premier in our daily newspapers, without reprimands from crusty talk show hosts, without radio and television commentators chastising the government, without the National Citizens' Coalition and the Ontario taxpayers' coalition calling Mike Harris to account, the Conservative government could spend millions upon millions of dollars on blatant self-serving government propaganda, all at the taxpayers' expense. But alas, the tide has turned.

I note that the people who are looking at the closing of Hotel Dieu Hospital wonder how the government has money in the millions to spend on self-serving advertising but must close a local institution which has served so many so well over the years.

The Brantford Expositor has finally exposed this government. It says that when the Tories took office three years ago, they set themselves up on a higher pedestal, promising fiscal rectitude and vowing to bring it into pork-barrel politics. But as we so clearly see this week, the concept of sharing ends at Queen's Park. At the same time that school boards are closing schools, cities are cutting services and some municipalities are having trouble containing their tax increases due to downloading, the Harris government has managed to find millions to spread the word about how wonderful the Premier is. Maybe the Tory brain trust figures you can fool all the people all the time.

### MUNICIPAL RESTRUCTURING

**Mr Gilles Bisson (Cochrane South):** I rise today in the House in order to yet again press this provincial government to bring a bit of common sense to the agenda they've imposed on the people of northern Ontario.

The Minister of Community and Social Services, by way of legislation last year, mandated northern municipalities to form what we call district service boards across northern Ontario as a mechanism to be able to deal with

the downloading of the provincial government. Well, it's a mess. It's like everything this government touches. They go too fast. They don't think about what they're doing. They just ram their agenda through. Now we've got municipalities in northern Ontario that are at odds with themselves and with the provincial government in trying to find a solution to a problem the government created.

On the other hand, we finally got the government to come forward with a half-decent piece of progressive legislation, Bill 12, that would supposedly allow municipalities to decide for themselves how they want to proceed with the restructuring of downloaded services to the municipal governments. What have we got? A government that introduces a piece of legislation, a government that eventually amends the legislation because of the work of the NDP caucus, and now a government that doesn't want to call its own bill, Bill 12, and give an opportunity for northern people to come to their own solutions.

I call on the Minister of Northern Development and Mines to do the right thing, to take his responsibilities as others before him, such as Shelley Martel, and help the people of northern Ontario help themselves. Do the right thing.

### JOB CREATION

**Mr Bart Maves (Niagara Falls):** I'm pleased to inform the Legislature of the numerous new businesses that have opened and created jobs in my riding. The number of jobs created by new businesses in Niagara Falls is indeed impressive. In May 1998, Mr Cosimo Di Lollo and Mr Tony Felice opened the Park Plaza Hotel, creating 50 new jobs. In August both men opened the popular East Side Mario's, hiring 100 people.

The Ameri-Cana Resort and Conference Centre, owned by the Dibellonia family, expanded by 47 rooms and opened up a new restaurant called Jack Tanners. The hotel hired an additional 27 people because of the expansion.

There is more. The Marriott Hotel, owned by Victor and Cosmo Menechella, opened in September. The hotel now employs 190 people, most of whom participated in the Ontario Works program.

In mid-September a factory outlet mall opened in my riding. Approximately 240 new jobs have been created during the first phase and hundreds more jobs will be created during phase 2.

Walmart recently opened, creating 240 jobs. Frank Martino recently opened Frank's Tomato Pie, where 60 people now work. Just yesterday, Cosmo Chiouitti opened up Cosmo's Café next door to my riding office. Rita Goulet's business resource centre has recently opened up.

I could go on and on. Just with these new businesses 1,000 new jobs have been created in Niagara Falls.

### HOLOCAUST MEMORIAL DAY

**Mr Gerry Phillips (Scarborough-Agincourt):** Mr Speaker, on a point of order: I'm seeking unanimous consent to move the following motion:



That the order referring Bill 66 — that's Mr Chudleigh's bill — An Act to proclaim Holocaust Memorial Day to the standing committee on social development be discharged and the bill ordered for third reading.

**The Speaker (Hon Chris Stockwell):** Agreed? Agreed.

Now you have to move the motion.

**Mr Phillips:** I move that the order referring Bill 66 to the standing committee on social development be discharged and the bill ordered for third reading.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

**Mr Ted Arnott (Wellington):** I'd like to seek unanimous consent of the House to allow the pages to leave the chamber at five to 2 so that they go into the lobby to watch the space shuttle take off.

**The Speaker:** Agreed? I didn't hear a "no," so sure.

1350

### ABORTION

**Ms Marilyn Churley (Riverdale):** Mr Speaker, I ask for unanimous consent for the following resolution to be adopted by this House and forwarded to Prime Minister Jean Chrétien, Solicitor General Andy Scott and Attorney General Anne McLellan:

Whereas three Canadian physicians have been shot because they provided safe, legal abortions since 1994;

Whereas Canadian physicians have committed up to \$500,000 in an effort to bring the person or persons responsible for these shootings to justice;

Whereas it is necessary for all Canadian police forces to co-operate in the investigation of violence and threats of violence against physicians across Canada who provide safe, legal abortions;

Whereas Solicitor General Andy Scott and Attorney General Anne McLellan have refused to provide additional funding to the RCMP to coordinate a proper investigation into these shootings;

Therefore, be it resolved that the federal, provincial and territorial governments co-operate to provide adequate resources to police forces across Canada to conduct a thorough national investigation into the shooting of three Canadian physicians and to ensure the safety and security of all Canadian physicians who provide women with safe, legal abortions.

**The Speaker (Hon Chris Stockwell):** So you are asking for unanimous consent to —

**Ms Churley:** Pass this resolution.

**The Speaker:** For the House to pass the resolution. OK. Agreed? Agreed.

Now you have to move the resolution.

**Ms Churley:** I move that this resolution be adopted by this House and forwarded to Prime Minister Jean Chrétien, Solicitor General Andy Scott and Attorney General Anne McLellan:

Whereas three Canadian physicians have been shot because they provided safe, legal abortions since 1994;

Whereas Canadian physicians have committed up to \$500,000 in an effort to bring the person or persons responsible for these shootings to justice;

Whereas it is necessary for all Canadian police forces to co-operate in the investigation of violence and threats of violence against physicians across Canada who provide safe, legal abortions;

Whereas Solicitor General Andy Scott and Attorney General Anne McLellan have refused to provide additional funding to the RCMP to coordinate a proper investigation into these shootings;

Therefore, be it resolved that the federal, provincial and territorial governments co-operate to provide adequate resources to police forces across Canada to conduct a thorough national investigation into the shooting of three Canadian physicians and to ensure the safety and security of all Canadian physicians who provide women with safe, legal abortions.

**The Speaker:** Ms Churley has moved —

**Interjection:** Dispense.

**The Speaker:** OK, I've just got to make this right first. Ms Churley has moved that the following resolution be adopted by the House.

**Interjections:** Dispense.

**The Speaker:** Hold on. I understand you want to dispense. Let me just make sure we've got the wording proper. So it's the resolution that is being adopted by this House:

"Whereas three Canadian" — now you want to dispense? No? OK.

"Whereas three Canadian physicians have been shot because they provided safe, legal abortions since 1994;

"Whereas Canadian physicians have committed up to \$500,000 in an effort to bring the person or persons responsible for these shootings to justice;

"Whereas it is necessary for all Canadian police forces to co-operate in the investigation of violence and threats of violence against physicians across Canada who provide safe, legal abortions;

"Whereas Solicitor General Andy Scott and Attorney General Anne McLellan have refused to provide additional funding to the RCMP to coordinate a proper investigation into these shootings;

"Therefore, be it resolved that the federal, provincial and territorial governments co-operate to provide adequate resources to police forces across Canada to conduct a thorough national investigation into the shooting of three Canadian physicians and to ensure the safety and security of all Canadian physicians who provide women with safe, legal abortions."

Is it the pleasure of the House that this resolution carry? Carried.

Introduction of bills. Member for Wellington — but there will be no one there to pick it up; I want you to know that.

**Mr Ted Arnott (Wellington):** I'll deliver it myself.

## INTRODUCTION OF BILLS

EMERGENCY VOLUNTEERS  
PROTECTION ACT, 1998LOI DE 1998 SUR LA PROTECTION  
DES TRAVAILLEURS AUXILIAIRES  
EN SITUATION D'URGENCE

Mr Arnott moved first reading of the following bill:

Bill 75, An Act to amend the Workplace Safety and Insurance Act, 1997 / Projet de loi 75, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Ted Arnott (Wellington):** This bill, which I call the Emergency Volunteers Protection Act, 1998, would amend the Workplace Safety and Insurance Act to ensure that volunteer firefighters and ambulance workers are protected in case of injury.

The bill amends the application of some of the provisions of the Workplace Safety and Insurance Act as they apply to volunteer firefighters and ambulance workers. Amendments will address the level of coverage for these emergency volunteers, the reporting obligations of the municipalities as their deemed employer, the return-to-work and other benefit obligations of their actual employers, and the responsibility of the deemed employer to cover the costs of the actual employer to comply with these obligations.

I would ask all members of the House to support this important piece of legislation.

## DEFERRED VOTES

## ENERGY COMPETITION ACT, 1998

LOI DE 1998 SUR LA CONCURRENCE  
DANS LE SECTEUR DE L'ÉNERGIE

Deferred vote on the motion for third reading of Bill 35, An Act to create jobs and protect consumers by promoting low-cost energy through competition, to protect the environment, to provide for pensions and to make related amendments to certain Acts / Projet de loi 35, Loi visant à créer des emplois et à protéger les consommateurs en favorisant le bas prix de l'énergie au moyen de la concurrence, protégeant l'environnement, traitant de pensions et apportant des modifications connexes à certaines lois.

**The Speaker (Hon Chris Stockwell):** This will be a five-minute bell. Call in the members.

*The division bells rang from 1356 to 1401.*

**The Speaker:** All those in favour, please rise one at a time and be recognized by the Clerk.

## Ayes

Amott, Ted	Galt, Doug	Rollins, E.J. Douglas
Baird, John R.	Gilchrist, Steve	Ross, Lillian
Barrett, Toby	Hardeman, Ernie	Sampson, Rob
Bassett, Isabel	Hastings, John	Shea, Derwyn
Beaubien, Marcel	Hodgson, Chris	Sheehan, Frank
Chudleigh, Ted	Johns, Helen	Skarica, Toni
Clement, Tony	Johnson, Bert	Smith, Bruce
Cunningham, Dianne	Johnson, David	Snobelen, John
DeFania, Carl	Klees, Frank	Spina, Joseph
Doyle, Ed	Leach, Al	Tascona, Joseph N.
Ecker, Janet	Marland, Margaret	Tilson, David
Elliott, Brenda	Maves, Bart	Tsubouchi, David H.
Eves, Ernie L.	McLean, Allan K.	Tumbull, David
Fisher, Barbara	Mushinski, Marilyn	Vankoughnet, Bill
Flaherty, Jim	Newman, Dan	Wettlaufer, Wayne
Ford, Douglas B.	O'Toole, John	Wilson, Jim
Fox, Gary	Palladini, Al	Wood, Bob
Froese, Tom	Parker, John L.	

**The Speaker:** All those opposed, please rise one at a time and be recognized by the Clerk.

## Nays

Bartolucci, Rick	Hampton, Howard	Miclash, Frank
Boyd, Marion	Kennedy, Gerard	Morin, Gilles E.
Bradley, James J.	Kormos, Peter	North, Peter
Caplan, David	Kwinter, Monte	Patten, Richard
Castrilli, Annamarie	Lankin, Frances	Phillips, Gerry
Christopherson, David	Lessard, Wayne	Pouliot, Gilles
Churley, Marilyn	Marchese, Rosario	Pupatello, Sandra
Conway, Sean G.	Martin, Tony	Silipo, Tony
Curling, Alvin	McGuinty, Dalton	Wildman, Bud
Gravelle, Michael		

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 53; the nays are 28.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## ORAL QUESTIONS

## SCHOOL CLOSURES

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Education. I have in my hand a cardboard cutout that measures exactly one square foot. This is the only measure that you use to assign a value to a neighbourhood school. It doesn't tell you anything about how important a neighbourhood school is to the neighbourhood that it serves. It doesn't tell you how important it is for parents to be able to walk their children to school. It doesn't tell you how important it is for kids to be able to attend class with other kids from their neighbourhood. It doesn't tell you anything about the Brownies and the Scouts who hold their meetings at the neighbourhood school. It doesn't tell you anything about the seniors' group that met last week at the neighbourhood school. It doesn't tell you anything whatsoever about the fall fair and how people from all across the neighbourhood gathered at the neighbourhood school. The neighbourhood school is the heart and soul of the neighbourhood.



Why are you cutting the heart and the soul out of so many neighbourhoods right across the province?

**Hon David Johnson (Minister of Education and Training):** As usual, complete nonsense. The provincial government is providing fair funding to the boards across Ontario, funding for classrooms — as a matter of fact, more funding for classrooms, for teachers, for textbooks, for computers — funding for all of their other activities, for operations and maintenance facilities renewal, and allowing the boards to make the decisions that they should make in terms of the most appropriate accommodations, the most appropriate program.

My colleagues in the government value schools as neighbourhood entities and community entities and frankly I encourage and this government encourages school boards to get together to encourage recreational uses, social uses, all other kinds of uses within the communities that are so important to individual communities within their schools.

**Mr McGuinty:** Minister, you don't get it. Public education is not a commercial enterprise. This is not a business. It's not a bottom-line issue in terms of dollars and cents. The school closures here in Toronto alone are going to disrupt the lives of 44,644 children. There have got to be 30,000 families who are going to be affected by these school closures in Toronto alone. This isn't just about heat, it's not just about space, it's not just about light, it's not just about property taxes. You're talking about the value of a neighbourhood school to the neighbourhood. Why don't you agree now that you're going to stand up in this House and you're going to amend your formula so that it incorporates reality, so that it talks about the real needs of children and families in their neighbourhoods and their demand to have their own school in their neighbourhood?

**Hon David Johnson:** I encourage communities to be involved with their local schools. I encourage parents and members within the communities to discuss this matter with their school boards through the school councils and that neighbourhoods determine the best possible use of their schools. The Ministry of Education does provide funds so that schools can be run in a reasonable fashion and maintained, but there are questions that do crop up. For example, if the Ottawa-Carleton District School Board can operate at \$5.05 a square foot, if the Ottawa-Carleton Catholic District School Board can operate and maintain at less than \$5 a square foot, why does it take the Toronto school board \$6.58 a square foot to operate? We're simply asking that boards be efficient and reasonable. If some boards can operate at a reasonable and efficient level, why can't other boards?

**Mr McGuinty:** Here's the minister who brought us the incredible shrinking education budget. He brought us textbooks that can be erased. Now he's brought on the scene schools that actually disappear. Here's something that I think should really vanish. You know that \$42-million advertising propaganda campaign, that blitz that's coming forward into our living rooms right across this province nightly now? Why don't you take the \$42 million out of that campaign and put it into public

education? You could save every one of the 130 Toronto schools that are going to be closed, with room for 31 more to be saved. Why don't you stand up in this House and tell us the 42 million bucks is coming out of the campaign to re-elect Mike Harris and going into schools for the benefit of Ontario kids?

**Hon David Johnson:** We continue to get the usual fearmongering from the Liberal Party. It was just a few months ago that the Liberal Party put out information that there would be 10,000 teachers fired in Ontario — wrong. Then they said there would be 10,000 fewer teachers in Ontario — wrong again. Then they said there would be \$1 billion taken out of education — wrong again. There will be at least half a billion dollars more in education.

The thing that really puzzles me about the Liberal Party is that they have fought tooth and nail against providing the textbooks in our elementary classrooms across Ontario. At every turn, you have opposed the purchase of textbooks, the purchase of equipment in our schoolrooms across Ontario.

This government stands for quality education. We're prepared to fight for quality education. Obviously the Liberal Party opposes quality and supports the status quo.

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#### VISITORS

**The Speaker (Hon Chris Stockwell):** I would like to inform the members of the Legislative Assembly that we have in the Speaker's gallery today a parliamentary delegation from the National Assembly, Republic of Cameroon, led by the honourable Speaker of the National Assembly. Welcome.

#### SCHOOL CLOSURES

**Mr Dalton McGuinty (Leader of the Opposition):** I have a question for the same minister. Let's talk now about responsibility for the school closures.

For month after month, when we raise the issue of property tax hikes that are affecting homeowners and businesses right across the province, the Minister of Municipal Affairs says, "That's not my problem; the fault lies with the municipalities."

When we asked the Minister of Health about hospital closures, she said, "Don't blame me; blame that restructuring commission." When we asked her about having the fewest nurses per capita in the country, she said, "That's not my fault; that's the fault of our hospitals."

You talk a lot over there about having the courage to do certain kinds of things. Will you stand up now and have the courage to admit that you and Mike Harris are responsible for school closures in Ontario?

**Hon David Johnson (Minister of Education and Training):** I will stand up and admit that we are in favour of raising the quality of education in Ontario. I will stand up and admit that in addition to raising the quality of education in Ontario, I admit that this government wants to see taxpayers get value for their dollars. I guess that's a

great sin to the Liberal Party. But we believe that we can get value for taxpayers' dollars. We can raise the quality of education in Ontario.

That's why we have introduced the new curriculum at the elementary level. That's why we have introduced the new report card that parents can understand. That's why we've introduced province-wide testing, so parents and students will know where they stand. That's why we introduced the \$100-million resource purchase for the elementary schools, the textbooks etc. That's why we put the cap on the average class size. These are all elements to improve the quality. That I will confess to. That's what we stand for.

**Mr McGuinty:** This minister stands up and proudly tells us that he's going to ensure that they give value for taxpayer dollars. What about the \$42 million that has been wasted on a campaign to re-elect Mike Harris? At present, we see them beamed into our living rooms every night reminding Ontarians of how angry they should be for this blatant, political, partisan propaganda. Forty-two million dollars could have saved 161 schools. You tell me, Minister: How is it that it serves the interests of taxpayers and how is it that it serves the interests of our students and our families in neighbourhoods right across Ontario to plow \$42 million into a campaign to have Mike Harris re-elected instead of inside our neighbourhood schools?

**Hon David Johnson:** I guess this is a case of "Do as I say and not as I do." My notes must be wrong. But when I look down here it says that in 1990 the Liberal Party spent \$50 million on advertising. There must be a mistake here somewhere. As a matter of fact, over a period of two years they spent \$94 million on advertising. It shows you that the House book isn't always accurate when you come up with numbers like that.

This government did not come into power to maintain the status quo. We came in with a very definite program to make positive changes to get Ontario back on track, and some of those changes were in the education system to improve the quality, all of the items I've outlined to you and many more: the secondary school reform, the increasing number of instructional days in addition to the new curriculum etc.

We need to tell the people of Ontario about these very positive changes. The people of Ontario want to know about them, they want to understand them, and these are changes that are going to improve the education system, in addition to the many other changes we've made to reduce spending in the province to eliminate the deficit. People are asking for that kind of communication. That's what we've been communicating to the people of Ontario and I think they're very positive things that the people want to hear about.

**Mr McGuinty:** Let me just read a few excerpts from today's Brantford Expositor editorial.

"When the Tories took office three years ago, they set themselves up on a higher pedestal, promising fiscal rectitude and vowing to bring an end to pork-barrel politics. In fact, it was an essential ingredient in their whole strategy. But as we see so clearly this week, the concept of

sharing ends at Queen's Park. At the same time that school boards are closing schools, cities are cutting services and some municipalities are having trouble containing their tax increases due to downloading, the Harris government has managed to find millions of dollars to spread the word about how wonderful the Premier is."

My question to you, Minister, is very simple: How can you, the minister charged with assuming special responsibility for the education of Ontario children, sit back and condone and agree to and support the expenditure of \$42 million on a campaign to re-elect Mike Harris when that could be used for the benefit of Ontario's students?

**Hon David Johnson:** I would stack the track record of this government against any other government in the history of Ontario. I would stack it up against the previous government, I'd certainly stack it up against the Liberal government, and even against previous Progressive Conservative governments.

We have eliminated the tax-free allowances for members of this House. We have reduced the size of government. We promised we would do this; we have done it. We have eliminated the pension scheme of the MPPs and we are on track to balance the budget. We are ahead of our plan to balance the budget in Ontario. The NDP couldn't balance the budget; the Liberals couldn't balance the budget. The Liberals, as my colleague has indicated, added \$10 billion in expenditures in three years. This government is ahead of track and will balance the budget of the province of Ontario.

**The Speaker (Hon Chris Stockwell):** New question, leader of the third party.

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**Mr Howard Hampton (Rainy River):** I have a question for the Minister of Education and Training. Today you dropped a bomb on the city of Toronto schools that's going to touch every corner of this province. Your school funding formula has taken \$1 billion out of our schools, and in the city of Toronto alone it's going to force the closure of 160 schools; 160 schools because of your funding formula. It means that 50,000 children will lose their school because you're going to close it, and it means that you're going to take, out of this board of education alone, over \$1,000 per student.

Minister, how do you justify closing 160 schools? How do you justify taking out \$1,000 per student at the same time that you're giving the wealthiest people in Ontario a very lucrative tax break? How do you justify that?

**Hon David Johnson:** I expected that the Liberal Party would not have all of their facts straight. I'm very disappointed; I had a higher expectation for the NDP.

The facts are that in the system as a whole there will be at least half a billion dollars more spent in 1998-99 than in the previous school year. The facts are that even in the Toronto District School Board, even in that one district school board, there will be more money spent in this school year than in the previous school year; more money spent in the Toronto District School Board.

The member raises the Toronto board. I challenged the Toronto board this morning to put forward their list of



administrative buildings for closure before dislocating one student. Through the process of amalgamation, that board has seven major administrative buildings. Why can't they consolidate that down and save money there rather than looking at dislocating their students? That's the challenge I put to the Toronto board.

**The Speaker:** Supplementary.

**Mr Tony Silipo (Dovercourt):** Minister, you want to talk about facts, let's talk about facts. Under your own funding formula, any savings from those administrative structures or the surplus schools that you say are there could not be used to run the schools that would remain, unless you're prepared to change your funding formula, which so far you've said you haven't been willing to do. Take a look at your own funding formula before you lecture us about the facts.

Let me give you some more facts. In my own west end community of Davenport and Dovercourt, take a good, hard look: 16 public and Catholic schools are slated to close. In an area that serves 70,000 people — that's an area larger than the city of North Bay — there would be three public elementary schools left. Is that your sense of justice? Is that your sense of public education under the Mike Harris world? When are you going to change your funding formula and realize that you will not get away with these kinds of cuts in the public education system of this province?

**Hon David Johnson:** Each board is looking at its own circumstances. I might say that the Toronto public board spends, as I indicated earlier, \$6.58 per square foot. The Toronto Catholic board spends \$5.37, about \$1.20 less per square foot to maintain space. We're talking about the same city and one board spending \$1.20 less. On behalf of the taxpayers, doesn't it make sense to ask the Toronto board, "Look, if the Catholic board can maintain at \$1.20 less, why can't the Toronto public board do the same thing?"

There's a lot of fearmongering going on, there's no question about that — again, at one time, 10,000 teachers fewer in the system, and today we know that's not the case; 10,000 teachers laid off, not the case. When the boards sit down and look at these at the end of the day, as has happened in Thames Valley, as is happening in Avon Maitland —

**The Speaker:** Thank you. Supplementary.

**Ms Marilyn Churley (Riverdale):** Minister, you're taking a page from the Premier's book in standing there and saying: "We are not the government. We don't take responsibility."

Let me remind you that Catholic school boards are affected in just the same way by this. In my riding of Riverdale I have nine schools clustered close together, often in low-income areas, plus three Catholic schools in the same area on your hit list. Minister, I am going to stand here today and I am going to tell you that my community will not put up with you and your government closing schools in Riverdale. These are inner-city schools. They are not just about teaching the 3Rs. They provide all

kinds of programs, breakfast clubs, lunch clubs, programs for a lot of low-income people.

Dundas school houses the only First Nations school in Toronto. Where is that school going to go? This is nuts. You've got stop this. You have the responsibility, you have the power. You've got our communities up in arms. I want you to commit to stop tearing apart our communities and change the funding formula today.

**Hon David Johnson:** I'd say to the member opposite that she should encourage her communities to be involved in these decisions, and I encourage communities to be involved. They should be speaking their minds to the local school boards in letting them know how they feel and looking for ways and means that community uses can be included in schools to make sure they're viable.

But at the same time, let's just see the amounts of money that are available through the formula. In the case of the Catholic school board here in Toronto, last year their total revenues were about \$624 million. This year, through the funding formula, the amounts of revenue available will be \$695 million, which is an increase of about \$70 million.

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** Oh, my goodness.

**Ms Churley:** Dianne, I would be quiet if I were you on this one. You know nothing about my community.

*Interjections.*

**The Speaker:** Member for Riverdale, come to order, please. Member for Scarborough East, come to order, please. I appreciate all the assistance.

**Hon David Johnson:** I think this kind of information should be brought to the attention of the board and that the parents should be working with their boards in fighting for their local schools, absolutely. That's what I would encourage.

**The Speaker:** New question, third party.

**Ms Frances Lankin (Beaches-Woodbine):** Minister of Education, stop blaming everyone else. This is a direct result of your Bill 160 and your funding formula.

Schools in my community, like Bowmore, over 900 kids: We just celebrated its 75th anniversary. A former principal who was there, Lloyd Dennis of the Hall-Dennis report, condemned your government for your so-called education reforms and called it a decimation of our schools. Schools like Williamson Road in the heart of the Beach, over 400 kids, in an area where the schools are already overcrowded, in a community where hundreds and hundreds of new families are moving into the Greenwood Race Track and the CN lands —

*Interjections.*

**The Speaker:** I would caution members, I think there's got to be a better word than accusing someone of fearmongering. See if you can find one. I'd appreciate it. I doesn't add to the debate.

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**Ms Lankin:** Minister, we've got developments going on at Greenwood Race Track and the CN lands at Main and Gerrard, hundreds and hundreds of new families

coming into a community, and despite what your members say, our schools are already overcrowded. Schools like East York Alternative are affected, schools like Courcette. Over 1,600 kids are forced out of their schools by your funding formula, and that's going to affect thousands more in the schools they go into.

The schools also have child care centres. The schools on the list today for closure mean the loss of 300 more child care spaces in the city of Toronto. What are you going to do to make sure those centres stay open? Let me tell you, blaming someone else isn't going to do it. I'll be damned if you're going to wreak this kind of havoc on my community.

**Hon David Johnson:** I am, as are the members of the government, fully aware of the benefit and the need for community schools. My local community school that I first attended when I was five years old celebrated its 150th anniversary. It must be one of the oldest public schools in Ontario, the Greensville public school outside of the town of Dundas.

**Interjection:** Dave was in the first grade.

**Hon David Johnson:** No, I wasn't in the first grade when it opened.

Let's remember, though, what this funding formula is all about. The funding formula is all about ensuring a fair opportunity to quality education for all our students across Ontario. We know that in the past some students, some young people in various communities did not have access to quality education because of the tax base of their community. What we have done is that, first of all, there is an extra \$500 million or \$600 million in funding of elementary and secondary, and then ensure fair access across Ontario —

**The Speaker:** Thank you. Supplementary.

**Mr Rosario Marchese (Fort York):** Minister, I'm not a cricket player, but I've got to tell you, you throw a lot of googlies around. Everyone except you seems to know —

*Interjections.*

**The Speaker:** Order. Member for Durham East, thanks for your advice, but I think "googly" is in order and you're not, because you're not in your seat. Member for Fort York.

**Mr Marchese:** Thank you, Speaker, for that ruling.

Minister, everyone except you seems to know that schools are more than classrooms, that they are the heart of our communities, schools such as those that are potentially going to close in my area: Charles G. Fraser, Givins/Shaw, Grace Street, Kensington Community, Montrose, Ogden Junior, Orde, Ossington/Old Orchard, Hayden Park, St Peter's, St Lucy, St Raymond, St Francis. These schools that could close in my area provide recreation centres, swimming pools, playgrounds, meeting places, learning centres for adults. Your mathematical formulas are wrong. They don't work, and they don't work because they are not human formulas. Minister, are you going to be the Pied Piper that is going to leave our communities bereft of children and schools? Are you going to be that Pied Piper?

**Hon David Johnson:** The key words that the member has used are "could close." Some school boards are putting out long lists of schools that could close. It's remarkable that in most instances, at the end of the day, the number of schools they really look at is a much smaller list than they first put out. I guess it's just a remarkable coincidence that's the way it's always worked.

It's up to the school boards to determine where they should allocate their funds. The member opposite seems to be of some opinion that the provincial government is allocating funds school by school, board by board, and the member opposite I'm sure knows that's not really the case. The provincial government is providing monies to the school boards. In terms of operations and maintenance, yes, I'll confess that right across Ontario as a whole there is about a 1.5% difference this year over last year, less operations and maintenance money across the province. In terms of the total funding, classroom funding, there is an extra \$500 million, at least \$500 million, that boards have to —

**The Speaker:** Final supplementary, leader of the third party.

**Mr Hampton:** Minister, what we're asking you to do is to take responsibility for your decisions and take responsibility for your school funding formula. Nobody else created this formula but you, and you are the person who is going to close the hundreds of schools, you are the person who is going to disrupt the lives of thousands of children.

I'm going to send you an invitation to come with me out to the west end of Toronto and see what's going to happen to children when you close their local school and they will have to march 20 minutes up a large hill and then cross one of the busiest streets in Toronto to get to the only school that's going to be left open. Any time you want to come, you come to the west end of Toronto, we'll walk with the students from Cottenham public school, all right? Here's the invitation. Any time you want to —

**The Speaker:** Minister.

**Hon David Johnson:** Maybe "hysteria" was the word you were looking for.

If there are safety problems associated with this particular school, then I would encourage anybody who's aware of those safety problems — the parents, the school council, anyone — to raise it to the attention of the school board.

I have some confidence in local school boards that they're able to make these kinds of decisions. We provide them with the resources, the operations and maintenance resources, the classroom resources, and with input from their parents and their local communities they'll make wise decisions in terms of the accommodation of their local schools.

When the NDP were in power, there were over 100 schools that were closed across Ontario. School boards came to these decisions to make the best possible decisions in conjunction with their parents, and that's the process they're going through at the present time.



## ONTARIANS WITH DISABILITIES LEGISLATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Citizenship, Culture and Recreation. Earlier today in this Legislature a resolution was debated. That resolution requires the government to introduce an Ontarians with Disabilities Act, and it sets out in very specific terms in the resolution 11 separate principles that are to be incorporated into that legislation, which, as I understand it, you are going to be introducing in this Legislature.

I have a very simple question to ask you on behalf of the 1.5 million members of the disabled community in Ontario: Do you support that resolution? Will you introduce legislation which incorporates the 11 specific principles laid out in the resolution, debated and supported by everybody in this Legislature, all those present earlier today?

**Hon Isabel Bassett (Minister of Citizenship, Culture and Recreation):** First of all, all of us in this Legislature, in fact in Ontario I'd think, are committed to the principle of improving access for people with disabilities. Where we differ is on how we are going to achieve that goal. Your approach and the approach that was in the non-binding resolution that was passed by everybody involved more bureaucracy and job quotas, among other things, for starters.

As a legislator, my job is to listen to and balance the needs of all sectors of our society, and that does not mean that we are not committed to bringing in and introducing an ODA, which the Premier did promise, which we are committed to doing and which we are well on the way to doing.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Gilles E. Morin (Carleton East):** Minister, we've spent a lot of time speaking to people with disabilities all across Ontario. They all know that your proposal was hollow. It was little more than window dressing so you can say that Mike Harris kept his word. They know that your government's priority is spending money on re-election advertising. You said a minute ago that you had the full support of the House. Is that why not a single minister was present this morning to vote on our Liberal resolution?

**Hon Ms Bassett:** I would say somebody with your experience in the House should know that private members' resolutions are for debate in the House by private members, and that is exactly what happened this morning in the House, and I'm happy to hear that our members and in fact all members in the House showed their commitment to moving forward on legislation that is going to improve access for people with disabilities.

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## ABORTION

**Mrs Marion Boyd (London Centre):** My question is to the minister responsible for women's issues. Minister, earlier this afternoon I think we probably made history

here by agreeing, all of us in this place, unanimously, to a resolution that requires the government of this province and all governments to join together to try and combat violence against physicians who are performing safe, legal abortions.

You may know that in the last week, physicians who are working in Canada in this area have received threats of death, so this is a very urgent matter and it's something that has mobilized people all over North America to talk in clear solidarity with physicians who are performing these tasks.

Today and tomorrow your Attorney General is meeting with his federal and provincial counterparts in Regina. I understand that this issue, this threat to doctors who provide abortions, is not on the agenda.

**The Speaker (Hon Chris Stockwell):** Question.

**Mrs Boyd:** Minister, since we have agreed and members of cabinet have agreed to this resolution today, will you undertake to communicate this resolution to the Attorney General and ask him to bring it forward at the federal-provincial-territorial —

**The Speaker:** Minister.

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** I would be pleased to do that.

**The Speaker:** Supplementary.

**Ms Marilyn Churley (Riverdale):** I want to thank the entire House today for support of my resolution earlier. As everybody here knows and as the minister knows, we've already witnessed one tragedy this week. We're afraid there are going to be more. The latest threat underlines the danger involved here for doctors performing this service, for the women who seek it, and for their right to obtain this service.

Canadian doctors and clinics have put up half a million dollars towards this investigation. The FBI has put up \$100,000. The task force has said that it "can't do it right without proper funding."

I know to date the federal Liberals have refused a request for additional funding. Maybe our resolution will help change their minds on that. I'm asking you today if you can commit to your government doing the right thing here. Will you stand by the women and doctors of this province and provide this badly needed funding to the task force?

**Hon Mrs Cunningham:** I think the intent was there for all of us in the resolution. I think it would be more appropriate if we had some discussion with the opposition parties in this regard before I commit to anything that we haven't had any discussions with the Minister of Finance on, and we will work on that together with the other members in the House.

## SPACE SCIENCES

**Mr Carl DeFaria (Mississauga East):** My question is for the Minister of Energy, Science and Technology. Ontario has a long history of participation in the Canadian space program. Five astronauts have close ties to this

province: Dave Williams, with Sunnybrook; Chris Hadfield, born in Sarnia; Roberta Bondar, McMaster research; Steve MacLean, born in Ottawa; and Julie Payette, who attended the University of Toronto.

Like other Canadians, people in my riding of Mississauga East were, I'm sure, watching with special interest this afternoon when John Glenn returned to space in the Discovery. Will you please tell this House what special significance a launch like the STS-95 mission today holds for the people of Ontario?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** As the Minister of Energy, Science and Technology, it gives me great pleasure to congratulate the crew of STS-95, today's space shuttle mission. You can see how excited people get about the space shuttle still and its launches. Members will notice that for the first 20 minutes of the session today, our pages weren't with this because they were in the wings watching this on television.

Canadians of course benefit greatly from NASA's program, particularly the space shuttle program. The work that Dave Williams did with respect to orientation in space and the effect of zero gravity will have major repercussions for the medical sciences and life sciences. Positive things will come from that research as the data are being analyzed.

In today's shuttle, of course, John Glenn, the oldest astronaut ever to go into space, will be doing experiments in osteoporosis. There are three Canadian experiments on board, one in osteoporosis and two in microgravity, which will contribute to bone marrow transplant procedures and possibly a cure for breast cancer, or at least a treatment of breast cancer.

On behalf of all Ontarians, it gives me great pleasure to congratulate John Glenn, who is not only an American hero but a North American hero, and we wish them God-speed.

**Mr DeFaria:** In his last budget, the Minister of Finance told this House that the Canadian Advanced Technology Association has projected a shortfall of 42,000 computer scientists and computer-related engineers over the next five years. Minister, can you tell this House what's being done to generate the kind of student interest in technology that will be required if we are going to meet the demands of business and industry for knowledge workers in the future?

**Hon Mr Wilson:** In the last budget the government announced the ATOP program administered by the Minister of Education and Training. It's the access to opportunities program, or double the pipeline, which will produce some 17,000 computer science graduates and science graduates, which are very much in need in this province. Some 10,000 to 20,000 jobs are going unfilled in this province right now because our people need their skills upgraded or the young people need to have the skills to fill those jobs in high technology. As the honourable member for Mississauga East said, two thirds of the jobs created in this province in the last 10 years have been created in the high-tech sector.

Dave Williams' shuttle, the last time the shuttle went up, my ministry sponsored much of the science on that on behalf of Ontarians and on behalf of people of the world.

For this shuttle today, I'm proud to announce that two schools in my riding are part of the "signatures in space" program sponsored by Lockheed Martin. In both Thor public school in Thornton and Byng public school, the kids have signed posters which I gave to Lockheed Martin last week in Ottawa to be transferred down to the shuttle. Those posters are travelling on the shuttle. Four of our students are down in NASA today supervising, in the way that they will, the launch today. Justin Trout, Travis Weatherall, April Lococo and Jeremy Cober of Byng public school in Stayner are down there. They've helped push the button for this launch. Part of the "signatures in space" program is getting young people interested in science and technology, because the jobs are there.

#### MENTAL HEALTH SERVICES

**Mr Gerard Kennedy (York South):** My question is for the Deputy Premier, and it's a question concerning the cuts you are making on Monday to Whitby Mental Health Centre. Deputy Premier, I'd like you to take responsibility for this because there has been a pattern here of an attack on sick people, and your ministers have consistently refused to stand up and acknowledge that they are running the health care system in this province.

In this case, forensic beds were added in that hospital and not enough money was provided. They cannot, by law, discharge these forensic patients, so instead they've had to cut \$2.3 million in the Whitby hospital, and \$750,000 more is going to be cut on Monday. Nursing shifts are going to be cut down. There's an entire hypocrisy here if you permit them — they don't close beds, but the nursing care isn't there. That puts the patients at risk; it frankly puts the staff at risk.

Minister, I'd like you to stand up today and say that the cuts planned for Monday aren't going to happen.

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** There have been no funding reductions to the Whitby Mental Health Centre this year. The funding is \$4 million this year for the forensic unit at the Whitby Mental Health Centre. That is not being touched. It is not being reduced. In fact, there can be no reduction in services or programs at the Whitby Mental Health Centre without the acknowledgement and concurrence of the Ministry of Health, which will not be forthcoming.

**Mr Kennedy:** This is exactly the problem. The forensic unit didn't get enough money, so \$2.3 million has to be taken from the rest of the facility. That \$2.3 million isn't even half of the money you're wasting on health care propaganda ads. You won't give the \$2.3 million. What that means is they've gotten rid of a program to integrate mentally ill people into the community. How do you feel about that? They're getting rid of a day program for the most sick psycho-geriatric people they've got. That's already cut, it's already gone, and they've got still more cuts to make.



Dr Anne Dyer from OPSEU and other staff are here today because they are afraid of what's going to happen. In the last three years there have been eight suicides. In the three years before that, there were only two. They want a review to see if there's a connection between the cuts in service and what's happening there. But most of all what they want is for you to acknowledge that the forensic unit takes more money than you've given it and that the rest of the facility is being made to pay. There is risk for the patients and risk for the staff. Minister, will you at least hold off the cuts until this has been reviewed to make sure that the community is safe, the patients are safe and the staff are safe?

**Hon Mr Eves:** There are no cuts. The funding is not being reduced. In fact, the total number of beds has been increased in the facility since 1995. It went from 287 beds in 1994-95 to 325 beds in 1997-98. The government has increased the number of forensic beds by 20% over a two-year period of time, and this is part of that commitment.

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### SCHOOL CLOSURES

**Mr David Christopherson (Hamilton Centre):** My question is to the Minister of Education. I want to return him to his damaging policy and the harm it's doing to my community of Hamilton-Wentworth. I want to read to him from an editorial in the Hamilton Spectator.

It's headed up "School Closure Policy is Wrong."

"This is wrong. The provincial government's latest education funding reforms are arbitrary, narrow and heavy-handed in their demand for unseemly haste. By insisting that school boards provide a definitive list of schools to be closed by year's end, the government is virtually eliminating the chance for meaningful local involvement."

That's undemocratic. I'm here to tell you, Minister, that a week ago today my local school board, the Hamilton-Wentworth District School Board, agreed with that statement. I'm proud to tell you that they unanimously decided to stand up to your dictatorial edict and said, "No, you're not going to shut down over 40 schools in the region of Hamilton-Wentworth." They're not going to meet your unfair, arbitrary, undemocratic time lines. But because they would dare to defy your edicts, they are therefore going to feel the wrath of losing millions of dollars in funding every year; not for one year, not for two years but for 25 years. Minister, this is unacceptable. You must inject democracy back into this policy.

**Hon David Johnson (Minister of Education and Training):** I'm actually happy to report to the member opposite that they're not defying any edict. The boards are under no compulsion to report at the end of the year.

I will say further that in terms of the Hamilton-Wentworth District School Board, the monies for operations and maintenance are actually almost 3% higher this year for that board. For the Hamilton-Wentworth Catholic District School Board, the operations and maintenance monies are about 18% higher for that board this year. So

those are two boards that have additional monies for operations and maintenance. I mentioned that across Ontario the net difference is about 1.5%, but in the case of Hamilton, both boards are receiving additional monies for operations and maintenance. Both boards are looking at their accommodation needs with their parents, and I'm sure they'll come to the appropriate decisions.

**Mr Christopherson:** Let me read another editorial that came out the day after our board took that decision.

"A Community Decision on Schools."

"The Hamilton-Wentworth District School Board took a bold gamble when it refused to let the province's draconian funding formula and schedule dictate the fate of local schools. It had little choice."

In ending the previous editorial I read to you, they said, "This newspaper has been, and will continue to be, supportive of much of the Harris government's agenda." Not this time. This is bad public policy. It's just wrong.

Minister, words like "draconian," "dictatorial," "arbitrary," "unseemly," "wrong," "narrow," "heavy-handed" and "undemocratic," that's what your friends are saying about this policy. Imagine how the vast majority of the people in Hamilton-Wentworth feel about it. You talk about people being involved in democracy, getting involved in decision-making. Your policy would have left us two weeks for public input on the question of closing over 40 schools. I can't think of anything more undemocratic than that policy, because now that we've decided to let democracy flow in Hamilton, we're going to lose millions of dollars in the education system for the next 25 years. Minister, amend the formula and withdraw these dictatorial terms.

**Hon David Johnson:** I'm not sure what the member refers to when he says two weeks. The funding formula was introduced in March and the monies were introduced in March. We have asked school boards, if they wish to adjust their inventory for next year's funding, to let us know by the end of the year. Even that is still two months away. If they don't wish to do that, some boards, such as the board here in Toronto, will most likely take advantage of being able to sell the properties they have, keep the revenues from the sales of those properties, and use those monies for investing in the schools they have in terms of additions to the schools, renovations in the schools —

*Interjections.*

**Hon David Johnson:** Yes, they can use it for renovations in the schools, sure.

**Mr Christopherson:** Only for capital, not for operating.

**Hon David Johnson:** You ask about the operating. Both the public board and the separate board are receiving net additional fund increases for both boards.

### PUBLIC SERVICES

**Mr Joseph Spina (Brampton North):** My question is for the Minister of Transportation. In our election campaign we ran on a platform of "an efficient and productive manner that focuses on results and puts the customer

first," when talking about government work. As past president of the Brampton Board of Trade, which owns a motor vehicle licence bureau in Brampton, I understand that on Monday you are providing some improved service delivery by offering some wider range of services than are available by the MVLB. Can you update me on these services, Minister?

**Hon Tony Clement (Minister of Transportation):** I'd like to thank the honourable member for Brampton North for the question. In fact the announcement on Monday will lead to a definite improvement in service for Ontarians. A total of 17 transactions will be added to the services and products offered by a network of over 283 small business operators across the province, the private issuers. Previously these services were only offered by a limited number of government offices, so I think there's an improvement right there.

The 283 small business operators will deliver driver and vehicle licensing services on behalf of MTO in 215 communities across Ontario. This includes increased access for your constituents in the three offices in Brampton and four nearby in Mississauga as well. With these offices, by providing 63% of the ministry's driver licensing transactions and 90% of the vehicle licensing transactions, I think we can provide better service for Ontarians. I want you to know that the Ministry of Transportation is continually looking for ways to provide Ontarians with improved services that meet their needs.

**Mr Spina:** That's great news, Minister, but we have 283 small business people here and they are trying to make a living delivering services on behalf of the province. Are there other services? Is this going to impact on their bottom line? Will it really help our customers, the consumers out there, Joe Public, if I may?

**Hon Margaret Marland (Minister without Portfolio [children's issues]):** And Jill Public.

**Hon Mr Clement:** And Jill Public, that's right.

I think it will be of benefit to the small business operators and to the consumers. Let me just say for the record some of the 17 transactions that will now be included for our private issuers: replacing lost, stolen or destroyed drivers' licenses; changing personal information on a driver's record; applying for a graphic licence plate; replacing a driving instructor's licence; applying for a driver's licence refund; obtaining a temporary driver's licence when authorized by the Ministry of Transportation; returning a driver's licence to the ministry for any reason, for example, suspension.

These transactions are in addition to the wide array of services that are already offered by the 283 local small business operators, including paying outstanding parking tickets, obtaining a new regular series licence plate, transferring a vehicle to a different owner or paying a licence reinstatement fee. As well, taxpayers have access to a number of services offered at over 60 kiosks across the province. Obviously those kiosks are available to our constituents 24 hours a day. I'm very proud of —

**The Speaker (Hon Chris Stockwell):** Thank you very much. New question.

## PROBATE AND ESTATE FEES

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Finance. Last week, as you know, the Ontario Court of Appeal made a very significant ruling. They ruled that the province had no legal authority to collect about \$400 million of estate or probate fees. Essentially they said that the Ontario probate or the estate fees were really a tax, not a fee, and taxes can't be imposed without the approval of the Legislature. In other words, these fees were set by the cabinet and they should have been set by the Legislature. I think all the members in the House are getting calls from people affected by this. Can you tell the House what it is you plan to do about the \$400-million problem you have? What advice should we give our constituents who are faced with probate or estate fees?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I say to the member for Scarborough-Agincourt that the Ministry of the Attorney General is currently reviewing the decision of the Supreme Court. As he will know, the court has suspended the operation of its declaration for a six-month period of time to permit not just this government but all governments, I presume, across the country to get a game plan together so they can respond to the very question the member's asking.

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**Mr Phillips:** It was a landmark decision. Most people believe it could have a profound impact on other areas of revenue. Some lawyers I've talked to indicate that it may have an impact on the property tax area where the province right now is raising about \$5.5 billion to pay for education. You will remember that in one of your tax bills the bill gives the Harris government the power to prescribe property tax rates for school purposes by regulation; in other words, not here in the Legislature but by cabinet.

It seems to me and to some lawyers I've talked to that this was the very matter the Court of Appeal dealt with, that it is inappropriate to set tax rates by regulation, by cabinet. It should be done here in the Legislature. Some believe that your current property tax bills will be similarly ruled invalid as was the probate fee. We will be having your seventh tax bill coming forward in the next few days. My question is this: Have you legal advice on the impact the ruling had? Do you plan to revise your tax bills to take into account the judge's decision last week?

**Hon Mr Eves:** As I said with respect to probate fees, which all governments have been collecting across Canada and in Ontario the same way for many, many years, obviously that's going to have an impact on how current and future governments go forward.

With respect to property tax, I don't believe the situation is similar. With respect to property taxes being collected for education purposes, there is no doubt that not only the \$2.5 billion being collected in the education tax portion of property taxes is being spent in education, but as a matter of fact this year some \$14.4 billion will be spent on education. It's not a question of the money being



raised by the tax not being spent on education which, I understand by the way, was the issue with respect to probate fees.

### LONG-TERM CARE

**Mrs Marion Boyd (London Centre):** My question is to the minister responsible for privatization. This morning the Premier, the Minister of Health and the Minister of Long-Term Care were in Ottawa for their latest pre-election photo op. They announced the opening of 320 long-term-care beds in the Ottawa-Carleton region.

Minister, 270 of these beds were awarded to private for-profit corporations: Omni Health Care and Central Care Corp. It's my understanding that the Montfort Hospital, Salvation Army Grace Hospital and the Royal Ottawa hospital all bid for those long-term-care beds. These are all publicly owned, community-based hospitals with decades of experience in patient care, yet they were rejected in favour of private corporations. Minister, do you expect the people of Ontario to believe that these decisions are happening by choice, that this isn't yet another example of the Harris government's plan to move Ontario to an American style of privatized health care?

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** I'll refer this question to the Minister of Finance.

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** The honourable member will be aware that in 1988 a previous administration froze the number of long-term-care beds in the province. This government has announced an additional 20,000 long-term-care beds for Ontario, an expenditure well in excess of \$1 billion.

Obviously the government and the people of Ontario want to get the best care they can for the dollars they are spending. The announcement today in the Ottawa area was with respect to an award or a placement of some 320 long-term-care beds in the Ottawa-Carleton region. I think it was an appropriate method of determining how we can provide the best care for the most number of people possible.

**Mrs Boyd:** The government's news release is entitled, and I quote, "Health Care Money in All the Right Places." We already know that this means more health care money in the pockets of private corporations. There's another place the money is going. Every single new bed announced today is in a riding held by a member of your government. Is that a coincidence too?

Your plans call for 1,313 more beds in Ottawa by the year 2005, but there are 1,643 seniors on the Ottawa waiting list right now, and we know how many more there will be with our aging population. They can't wait seven years.

Minister, will you come clean and admit to this House that the money in all the right places is buying love in all the right places for Conservative members and that these overdue, hyped-up announcements are really about pre-election handouts and the privatization of health care in Ontario?

**Hon Mr Eves:** The 320 beds announced today was the first instalment in over 1,300 beds to be announced in the continuing care field in the Ottawa-Carleton region.

Island Lodge, by the way, happens to be in the riding of the member for Ottawa East. These are not done with respect to political affiliation; they are done with respect to need, by a fair and proper request for proposals. That's it.

### CHILD AND FAMILY SERVICES

**Mr Bart Maves (Niagara Falls):** My question is to the Minister of Community and Social Services. Yesterday you introduced legislation to amend the Child and Family Services Act. No other government within the past 10 years has attempted to make significant changes to the CFSA. The articles I read in today's papers give this government a great deal of credit for introducing this legislation — "Children's Rights Put Ahead of Family in Changes to Law," "Ontario to Beef Up Child Protection," "Tories Move to Protect Children" — very good comments and a great deal of credit thrown your way, Minister.

But there were some critics, and some of the concerns were with regard to funding for children's aid societies. I wonder if you can inform the House about that.

**Hon Janet Ecker (Minister of Community and Social Services):** If there is any credit to share, it is with all the people in the sector, who helped very much in designing that new legislation.

The member is quite right that not only is there legislation that is needed, there are many other pieces of reform that are needed to make the system better protect our kids, and resources are certainly part of it. Last year we invested \$15 million into child welfare, child protection. That resulted in 220 new front-line staff.

That money has meant, for the Niagara region, over \$220,000 more for that children's aid society in that community. This year there will be \$20 million more invested, next year that is \$60 million and the year after is \$90 million.

Not only are we putting in new money, though, we're also changing the way that money goes to children's aid societies. As many people may know, they have a very unwieldy system called contingency funding. We want to have a system of funding that better meets the needs of children's aid societies.

### PETITIONS

#### HOTEL DIEU HOSPITAL

**Mr James J. Bradley (St Catharines):** I have a petition from people concerned about the closing of the Hotel Dieu Hospital. It reads as follows:

"Since the Hotel Dieu Hospital has played and continues to play a vital role in the delivery of health care services in St Catharines and the Niagara region;

"Since Hotel Dieu has modified its role over the years as part of a rationalization of medical services in St Catharines and has assumed the position of a regional health care facility in such areas as kidney dialysis and oncology;

"Since the Niagara region is experiencing underfunding in the health care field and requires more medical services and not fewer services;

"Since Niagara residents are required at present to travel outside of the Niagara region to receive many specialized services that could be provided in city hospitals and thereby not require local patients to make difficult and inconvenient trips down our highways to other centres;

"Since the population of the Niagara region is older than that in most areas of the province and more elderly people tend to require more hospital services;

"We, the undersigned, request that the government of Ontario keep the election commitment of Premier Mike Harris not to close hospitals in our province, and we call upon the Premier to reject any recommendation to close Hotel Dieu Hospital in St Catharines."

I add my signature, as I'm in full agreement with this petition.

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#### PROPERTY TAXATION

**Mr David Christopherson (Hamilton Centre):** I have a further petition regarding the continuing rip-off of \$36.3 million from my community of Hamilton-Wentworth by this government.

"Whereas the Harris government's 'downloading' to municipal taxpayers is directly responsible for the \$36.3-million shortfall to the region of Hamilton-Wentworth; and

"Whereas the Harris government 'downloading' is directly responsible for creating a property tax crisis in our region; and

"Whereas the Harris government, while boasting about its 30% tax cut which benefits mainly the wealthy, is making hard-working families, seniors, homeowners and businesses pay the price with outrageous property tax hikes and user fees for services; and

"Whereas city and regional councillors are being unfairly blamed and forced to explain these huge tax hikes, Hamiltonians know that what's really going on is that they are being forced to pay huge property tax increases to fund Harris's 30% tax giveaway to the rich; and

"Whereas homeowners, including seniors and low-income families, are facing huge property tax increases ranging from several hundred to thousands of dollars; and

"Whereas the Harris government 'downloading' has led to huge property tax increases for business that will force many small and medium-sized businesses in

Hamilton-Wentworth to close or leave the community, putting people out of work; and

"Whereas Hamilton-Wentworth region is proposing that the Harris government share in the costs of an expanded rebate program, worth about \$3 million region-wide;

"Therefore we, the undersigned, demand that the Harris government immediately eliminate the \$36.3-million downloading shortfall that is devastating and angering homeowners as well as killing businesses in Hamilton-Wentworth."

I continue to support my local taxpayers who are being ripped off by the Harris government.

#### PORNOGRAPHY

**Mr John O'Toole (Durham East):** I'm very pleased to present a petition on behalf of one of my constituents, a person whom I know means everything that's on this petition — Miss Wilhelmina Van Boxtel from Bowmanville.

"To the Legislative Assembly of Ontario:

"Whereas children are exposed to pornography in variety stores and video retail outlets;

"Whereas bylaws vary from city to city and have failed to protect minors from unwanted exposure to pornography;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To enact legislation which will create uniform standards in Ontario to prevent minors from being exposed to pornography in retail establishments; prevent minors from entering establishments which rent or sell pornography; restrict the location of such establishments to non-residential areas."

I'm pleased to support this petition.

#### HOSPITAL RESTRUCTURING

**Mr James J. Bradley (St Catharines):** My petition reads as follows:

"Whereas the hospital restructuring commission established by the Mike Harris government deliberated in secret about the future of hospitals in the Niagara region and reported in the autumn of this year;

"Whereas the St Catharines General Hospital, the Hotel Dieu Hospital and the Shaver Hospital, along with the Niagara rehabilitation centre, have in the past provided excellent medical care for the people of St Catharines;

"Whereas the Niagara-on-the-Lake hospital, the Douglas Memorial Hospital in Fort Erie, the Port Colborne hospital and the West Lincoln Memorial Hospital in Grimsby have been key centres of health care in the Niagara Peninsula;

"We, the undersigned, petition the government of Ontario to maintain existing medical services provided at these hospitals, restore the proposed \$43-million cut from operating funds for the Niagara hospitals; and



"That the Ontario Ministry of Health provide additional funding to expand health care services available in the Niagara region for residents in the Niagara Peninsula."

I add my name to this petition as I'm in complete agreement with its contents.

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr Joseph Spina (Brampton North):** To the Legislative Assembly of Ontario:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense or sell chemicals or devices contrary to their moral or religious beliefs;

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences;

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral;

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences;

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I agree and affix my signature.

**Mr John O'Toole (Durham East):** It's my privilege to present a petition:

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been

denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I'm pleased to sign this petition.

#### NORTHERN HEALTH SERVICES

**Mr Frank Miclash (Kenora):** I have a petition signed by thousands of my constituents in my Kenora riding. It's a petition to the Honourable Mike Harris which reads:

"Whereas there are circumstances at the Lake of the Woods District Hospital that could cause the cessation of the anaesthetists' services, the loss of two psychiatrists and the loss of the diabetic education service in the near future; and

"Whereas these facilities are required by the people in a very large area, the Kenora district; and

"Whereas even a short-term elimination of these facilities could result in the loss of the professionals providing these services;

"Therefore we, the undersigned, are calling on your government to provide an immediate long-term solution to guarantee the continuation of the health care facilities currently available at our district hospital."

I've certainly added my name to that petition.

#### SCHOOL PRAYER

**Mr John L. Parker (York East):** I have a petition here signed by members of the Grand Orange Lodge of Ontario number 370. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas we, the members of the Grand Orange Lodge of Ontario, are firm supporters of the public school education system and the Protestant faith;

"We, the undersigned, hereby petition the government of Ontario to reinstate the Lord's Prayer in the public school system of Ontario."

#### MUNICIPAL RESTRUCTURING

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"Whereas the Mike Harris government has announced its intention of dumping the financing for ambulances, social housing and public health care services on to the backs of municipalities; and

"Whereas this irresponsible action will create a shortfall of more than \$18 million for local governments in St Catharines and the Niagara region; and

"Whereas local representatives in St Catharines and the Niagara region will be forced to either raise property taxes by as much as \$200 per household or cut services; and

"Whereas Mike Harris called municipal representatives 'whiners' when they tried to explain to him that his proposal was unfair and would create gaps in important services such as the delivery of public health care; and

"Whereas the Minister of Municipal Affairs and Housing accused local representatives of being opportunistic simply because they attempted to point out that the Mike Harris proposal was unfair and primarily designed to fund his ill-advised tax scheme; and

"Whereas the Harris government refuses to listen to the representatives who work most closely with their constituents, that is, municipal representatives;

"We, the undersigned, call on the Mike Harris Conservative government to scrap its downloading plan, which will cause either an increase in property taxes or an unacceptable cut to important local services, or both."

I affix my signature as I'm in complete agreement with this petition.

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#### EMPLOYMENT INSURANCE

**Mr Bart Maves (Niagara Falls):** I have a petition signed by people in my riding. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the employment insurance account has an accumulated surplus of \$19 billion and will have a surplus of \$7.1 billion in 1998 alone; and

"Whereas the federal Finance Minister, Paul Martin, and the federal Liberal cabinet are considering ways to legalize the use of the employment insurance surplus for purposes other than employment insurance; and

"Whereas the funds in the EI account do not belong to the federal government but to the workers and employers who paid into it; and

"Whereas the surplus funds in the EI account should only be used to provide benefits to the unemployed, for increasing those benefits, for increasing opportunities for work or training or returning the money through employment insurance payroll tax cuts to the workers; and

"Whereas in 1997 Ontarians contributed about \$8 billion to the EI account but got back less than \$3.5 billion in benefits; and

"Whereas the chief actuary for the EI account said that the account would have operated on a break-even basis this year if premiums were lowered from \$2.70 for every \$100 of insurable earnings to \$1.81; and

"Whereas a premium cut would create 200,000 new jobs across Canada, with a great many of them here in Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to urge the federal Liberal govern-

ment to not use the EI surplus for purposes other than employment insurance, to follow the advice of the chief actuary and lower premiums, and to make the EI account more accountable to workers and employers who pay into it."

I attach my signature as I'm in full agreement with the contents of the petition.

#### DIABETES EDUCATION SERVICES

**Mr Frank Miclash (Kenora):** I have a petition which reads:

"To the Legislative Assembly of Ontario:

"Whereas the Diabetes Education Service in Kenora is a necessary program; and

"Whereas the Harris government has refused to provide long-term funding for diabetes education in Kenora; and

"Whereas the Ministry of Health has acknowledged that the program is cost-effective given the volume of clients seen and the degree of specialization required;

"Therefore we, the undersigned, join our MPP, Frank Miclash, in calling upon the Legislative Assembly of Ontario to demand that the Harris government provide long-term, stable funding to the Diabetes Education Service in Kenora."

I have certainly added my name to that petition as well.

#### BEAR HUNTING

**Mr Joseph Spina (Brampton North):** I have a petition to the Legislative Assembly of Ontario.

"Whereas black bear populations in Ontario are healthy with between 75,000 and 100,000 animals and their numbers are stable or increasing in many areas of the province; and

"Whereas black bear hunting is enjoyed by over 20,000 hunters annually in Ontario and black bears are a well-managed renewable resource; and

"Whereas hunting regulations are based on sustained yield principles and all forms of hunting are needed to optimize the socioeconomic benefits associated with hunting; and

"Whereas the value of the spring bear hunt to assist tourist operators in northern Ontario is a \$30-million industry annually, generating about 500 person-years of employment; and

"Whereas animal rights activists, particularly from Toronto, have launched a campaign of misinformation and emotional rhetoric to ban bear hunting and to end our hunting heritage in Ontario, ignoring the enormous impact this would have on the people of Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario government protect our hunting heritage and continue to support all current forms of black bear hunting."

I fully agree with this and will sign it forthwith.



## PROSTATE CANCER

**Mr James J. Bradley (St Catharines):** I have a petition that reads as follows:

"To the government of Ontario:

"Whereas prostate cancer is the fourth-leading cause of fatal cancer in Ontario;

"Whereas prostate cancer is the second-leading cause of fatal cancer for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer; and

"Whereas the early detection blood test known as PSA, which is prostate-specific antigen, is one of the most effective tests at diagnosing early prostate cancer;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Ministry of Health to have this test added to the list of services covered by OHIP and that this be done immediately in order for us to save lives and to beat prostate cancer."

I affix my signature as I'm in complete agreement with this petition.

## HEALTH CARE FUNDING

**Mr John L. Parker (York East):** I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Mike Harris government promised in the Common Sense Revolution to maintain health care spending at no less than \$17.4 billion annually; and

"Whereas the Mike Harris government has exceeded that spending floor every year since being elected; and

"Whereas total health care spending for 1998-99 will be \$18.5 billion, the highest in Ontario's history; and

"Whereas the Mike Harris government has achieved this despite cuts in transfer payments by the federal Liberal government of more than \$2.4 billion; and

"Whereas a recent survey by the Fraser Institute proves that health care waiting lists in Ontario are the shortest anywhere in Canada; and

"Whereas the Mike Harris government is placing a greater emphasis on community-based health services in order to better care for an aging population; and

"Whereas the Mike Harris government is eliminating waste and duplication in the health care sector and reinvesting every penny it finds into quality services; and

"Whereas this has resulted in reinvestments of over \$3 billion; and

"Whereas seniors will benefit from the government's \$1.2-billion investment to increase seniors' beds by 35%, including 2,200 new beds in Toronto alone; and

"Whereas \$75 million is being invested over the next two years to open hospital beds during peak demand periods in order to handle emergency patients; and

"Whereas the Mike Harris government created Cancer Care Ontario to coordinate and integrate cancer treatment services province-wide; and

"Whereas the Mike Harris government has pledged \$24.3 million to dramatically expand breast cancer screening; and

"Whereas 140,000 additional low-income earners are eligible to receive help with their drug costs through the expansion of the Trillium drug plan;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to proceed with fulfilling the commitments made in the Common Sense Revolution and continuing to pursue policies which will make Ontario the best place to live, work, invest and raise a family."

## ORDERS OF THE DAY

**Mrs Marion Boyd (London Centre):** On a point of order, Mr Speaker: We clearly don't have a quorum to hear this important piece of legislation.

**The Speaker (Hon Chris Stockwell):** Check for a quorum.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

## LIQUOR LICENCE AMENDMENT ACT, 1998

### LOI DE 1998 MODIFIANT LA LOI SUR LES PERMIS D'ALCOOL

Mrs Ross, on behalf of Mr Tsubouchi, moved second reading of the following bill:

Bill 57, An Act to amend the Liquor Licence Act in respect of brew on premise facilities / Projet de loi 57, Loi modifiant la Loi sur les permis d'alcool en ce qui concerne les centres de brassage libre-service.

**Mrs Lillian Ross (Hamilton West):** I'm pleased to rise on behalf of Minister Tsubouchi in support of Bill 57. This legislation addresses the need to clarify rules about customer involvement in the making of beer and wine on brew-on-premise facilities.

Brew-on-premise operations began in the mid-1980s to provide a convenient means for hobbyists to make their own beer and wine. Originally they offered a service to people who didn't have the facilities in their own basements or in their own homes, nor the equipment to do their own brewing. They also offered some expertise to those people. Today the industry has grown to an estimated 480 brew-on-premise operators in the province. While most of these facilities provide a legitimate opportunity for hobbyists to make their own beer and wine, some brew-on-premise operators require little participation by the customer in the manufacturing process. As a result, some operators are becoming more like breweries and wineries, and there have been instances of illegal activities. As a matter of fact, of the 22 charges investigated against brew-on-premise operators in 1997, 11 were laid.

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This may be caused in part by existing guidelines, which are voluntary and are not as clear as they could be in describing acceptable practices. As the sector has grown, so has the level of concern about these and other questionable practices, such as the use of advertising that appears to promote overconsumption. In addition, the Brew on Premise Association of Ontario says the lack of clarity is putting operators who do follow the guidelines at a competitive disadvantage. The Brew on Premise Association of Ontario has asked us to clarify these guidelines to produce a level playing field to ensure fair and consistent treatment for everyone.

This legislation would allow us to clarify in regulation practices that are acceptable and those that are not. It would also enable us to license brew-on-premise operators in a manner similar to other licensees in the beverage alcohol industry.

This would accomplish several objectives. It would help to ensure facilities are operated as originally intended, providing services to people who want to make their own beer and wine; it would establish an acceptable level of customer involvement in the manufacturing process; it would level the playing field for all operators; and it would ensure advertising and promotions are consistent with the principles of responsible use or service of liquor.

This legislation would in no way restrict the ability of consumers to make their own beer and wine. As a matter of fact, many thousands of people across this province use the services of brew-on-premise operators to make their own beer and wine, and the brew-on-premise sector is providing a valuable service. Brew-on-premise operations have helped to open up the world of beer- and wine-making to those who could not brew at home or chose not to invest in equipment.

It may seem out of character for this government to add more regulations. Members should note, however, that the Red Tape Review Commission supports this initiative. As a matter of fact, the commission met with stakeholders and worked with them to ensure that the regulatory principles that were put in place would guide the development of standards. These include operational methods and practices, storage, consumption, removal and record-keeping.

This legislation would enable us to address issues within the sector by establishing fair and reasonable standards for brew-on-premise operations. The brew-on-premise sector would be stronger in the long term and, as I mentioned earlier, there would be no restriction on the ability of consumers to continue to make their own beer and wine.

There are many people across this province who enjoy making their own beer and wine and use these facilities because either they can't afford the equipment that's required or they don't have the space in their home. Sometimes they use them for the social activity involved in going to these facilities and mingling with other people involved in the same hobby. It has become a very important sector in the province and it's important that we

ensure that everybody operates on a fair, level playing field.

I spoke earlier about the support from the Brew on Premise Association of Ontario. I'd just like to quote from their letter that was sent to the minister on July 13: "As you can appreciate, our membership is quite diverse and it is quite a large task to ensure that all operations are operating under the same guidelines." They're very supportive of seeing this legislation go through, and I therefore urge all members to support this legislation.

**The Acting Speaker (Ms Marilyn Churley):** Questions and comments?

**Mr James J. Bradley (St Catharines):** I appreciated the succinct arguments which were made in favour of this bill. I should indicate to members of the House after the parliamentary assistant's address to the House that we of course will be supporting this bill, and I don't anticipate that we will have third reading debate, although one never knows what happens in these matters.

I will be splitting my time with Alvin Curling, the member for Scarborough North, and Michael Colle, the member for Oakwood, will be spending some time discussing this as well, when they are able to pry themselves away from a committee.

Bill 57, I just wanted — I'll say that when I get up to make my remarks, but in response, because I'm responding to the member, I can indicate to her early off that I think there's a consensus that has developed around this bill. It's a relatively minor bill in terms of what we do in the Legislature, but for those who are directly affected, it has some considerable impact.

While brew pubs have become popular and while some participation in brewing by oneself, along with some assistance, is a popular pastime now, I think there was a feeling out there, by most people, that you needed a regulatory regime in which everyone would have to meet certain rules and regulations, that they had certain obligations they had to meet.

One of the things we always worry about, of course, is the quality control of product. Second, and probably even more important than quality control, is the health control of it.

My friend from Etobicoke-Humber smiles at the quality control end of things and that sometimes varies, I think, in these exercises. But we all want to ensure that the necessary health obligations are met by those who are participating and that's why we'll be supporting them member's intention.

**Mr John L. Parker (York East):** I too support this legislation. I'm pleased to see it brought forward. I think the rationale for it was very ably laid out by my colleague from Hamilton West.

What we are attempting to do with this legislation is to bring some discipline to bear into the world of the brew-it-yourself or ferment-it-yourself hobbyist field.

Right now there exists a great number of these operations which operate within the spirit and the detail of the law. But we know that there are some that do everything they can to skirt the existing regulations and to skirt the



spirit of the law to the point where they have just become, as my colleague has suggested, in effect, alternative mini-breweries or mini-wineries, evading the need to support the taxes that ordinarily apply to such operations, but not involving the actual participation of the consumer.

The whole point of a brew-it-yourself operation or a ferment-it-yourself operation is to provide for the hobbyist, the central idea being that the consumer participates in the process of producing the product. One that I know that operates entirely legitimately and ethically within my riding is Fermentations, operated by Charles Fajgenbaum on Pape Avenue, just north of the Danforth. He is a model of how it should be done correctly. His operation will not be affected by this legislation because what he does already conforms to the model that this legislation contemplates.

But what this legislation will do, if it's passed, is put some constraints on others who are operating outside that spirit and cause them to bring their operations into line with what we all understand to be the appropriate purpose of —

**The Acting Speaker:** Thank you. Further questions and comments? Member for Hamilton West, you may sum up.

**Mrs Ross:** I only want to thank the members for St Catharines and York East for their support of this legislation. It is an important piece of legislation to address the issue of what the member for St Catharines has said has become a popular pastime across the province of Ontario.

1540

**The Acting Speaker:** Further debate?

**Mr Bradley:** I will be sharing my time with the member for Scarborough North and the member for Oakwood on this bill this afternoon; we'll be offering some remarks.

I want to say, first of all, I think everybody in the House agrees that there should be some regulations and legislation which protects people, as I mentioned earlier, in terms of the quality of the product that is produced but also the health aspect of it. As it notes in the explanatory notes the bill amends the Liquor License Act to establish a licensing scheme for the brew-on-premise sector of the beer and wine industry.

The new section 5.1 proposes that operators of brew-on-premise facilities who provide equipment for individuals to make their own beer or wine on the premises must be licensed. Existing provisions of the Act are amended and new provisions that parallel existing provisions are proposed to cover these licensees.

It makes sense that when you are producing a product that people are going to consume, that there be some quality control — that there be some regulation. I know from time to time, particularly among members of this government, there's a reluctance to have regulatory frameworks and there's been an exercise headed up by the member for Lincoln to eliminate what he calls "red tape". People could accuse the government of establishing more red tape. In this case, I don't think that would be fair because it's the kind of regulation, the kind of licensing which is

there to protect the public. After all, that's what most regulations are there for: to protect the public good.

The wine industry would be among those who would agree with this particular piece of legislation. The wine industry has an interesting history and a number of initiatives which have been successful over the years. If we look at the wine industry now in this province and compare it to what it would have been 15 years ago, it has come a long way. There was a time when people used to turn their noses up, unjustifiably so, even in those days, at Ontario wines. If you were on an air flight and you asked for an Ontario wine or a Canadian wine, the wine steward would look at you as though you had asked for turpentine.

While there may have been some wines many years ago that were not of the highest quality, that has disappeared today as Ontario takes its place in the forefront of wine producing right around the world. That's why the Ontario Wine Council is interested in this legislation. I'm sure the Ontario Grape Growers' Marketing Board is as well.

The grape and wine industry has grown because of the hard work of those who are members of the grape growers marketing board and the farmers who produce the product. Also, of course, the wineries who process and produce the final product, which is wine. There is some grape juice which is produced as well. Again, a popular product in many places.

If we look back a number of years ago, the kind of grapes we were growing at that time led to a certain quality of wine and a certain kind of wine being produced. It turned out that while it was popular with some, with many people it was not popular. There was a movement afoot to change the kind of grapes here in Ontario. Now we have grapes being grown which are far more conducive to the production of outstanding wines, and that wouldn't have been the case a dozen years ago or even longer than that.

I want to say that the difficulties experienced by the grape and wine industry were rather substantial. In the late 1980s, we had the free trade agreement being imposed on us, the free trade agreement signed with I think it was the government of Ronald Reagan and the government of Brian Mulroney nationally. At that time there was a good deal of fear and, I thought, justified, that our grape and wine industry might be in some considerable trouble. Many of the people who were facing this challenge decided to rise up to meet the challenge. They didn't do so alone. What I was pleased about was that in the late 1980s the government of the day was able to provide some substantial assistance financially for what we call the pull-out program, where grapes that were not conducive to producing the kind of wines that would easily sell were removed and we saw some replanting with other grapes which are popular in terms of the wines that were made from them.

This was a substantial investment on the part of the government of Ontario. I can assure members of the House that it was not easy trying to extract from the Treasurer of the day, because this is true of all finance ministers, the kind of funding that I believed was necessary and my colleagues in that government — Premier

Peterson and others — felt was necessary to be able to see a viable wine-producing industry in the province of Ontario. So when we look at this we can understand why the Ontario Wine Council and wine producers would be in favour of this particular piece of legislation.

I want to say as well that there were some moves that were made that were helpful. We had a number of large wineries — not a large number, but we had a number of large wineries around — which produced table wines and which marketed their product through the LCBO and sometimes directly. But they were fairly few in number. Today we have a large number of what we call cottage wineries which have sprung up around the Niagara Peninsula and in southwestern Ontario and attract people to visit the Niagara Peninsula.

A lot of people from the Metro Toronto area, the GTA, now visit the Niagara Peninsula, as do our American friends, to visit the wineries, perhaps have a tour of the winery and perhaps the vineyard, and to taste some of the product that is there and ultimately — this is where the money comes in, of course — to make the purchases.

It's hard to believe that at one time you could not use a credit card for those purposes. Particularly our American friends would come here, they would want to buy a quantity of the wine, most of the time to have with a meal — it wasn't as though they were going to sit out in the car and consume it at that time, obviously. They were going to have it with a meal. It was a good product. It was part of the food at the table. As a result, there was a regulatory change which allowed for the use of credit cards for the purpose of making purchases of wine at the various wineries and their sales, as a result, increased, mostly from the people who are tourists who visited the area to purchase.

Another was that on Sunday there was a provision that wineries, because they're part of the tourist industry — at that time we didn't have widespread Sunday openings — were permitted to open because, again, tourists came at that particular period of time. Just as you had farm markets that were open at that time before the big stores were allowed to open, you had then a movement to allow the wineries to be open. So we've been substantially successful but we have to be careful.

Just as we need legislation of this kind to ensure quality out there, we also need to make sure that we preserve our farmland in the Niagara region and other places. I am deeply worried, particularly after the changes to the Planning Act. Planning Act changes had been passed by the previous NDP government and significant changes and planning provisions were made by the subsequent government. Now I see the potential of an assault on farmland in the Niagara region and the loss of that farmland and that's going to have an impact on the grape and wine industry.

In my own city, where we have urban boundaries established, a developer has now come in dangling a proposal for development outside of the boundaries. What you have to watch for in this regard is that the developer buys up the land, which is farmland, and then doesn't farm

it and then we have what I call crackpot realism. I was accused in the St Catharines Standard of attacking crackpot realists — somehow one of the columnists thought I was referring to him; I don't know why — over the hospital restructuring proposal that was made in the Niagara Peninsula.

I see the same thing here. They look at the land and they say it's not being used for purposes of agriculture. Maybe they'll let some people in to use the farmhouse or something and have wild parties there and hope the neighbours will say, "Look, we want to be rid of all this stuff" when in fact we need that land — and I think this transcends where you live in the province. If you ask people in the Toronto area, the GTA, what are some of the attractions in the Niagara Peninsula, they're going to say: "We want to purchase the wine that's produced. It's outstanding-quality wine. We also like to travel through large tracts of rural land."

I can tell members of the House that there is now a proposal on the Niagara Escarpment, a wonderful winery there — first of all, there are lovely vineyards and there's a lovely restaurant there, which is outstanding in terms of its quality. It's beautiful. People can drive into it. They have a tour of the winery. They can go to the restaurant and look out over the vineyard.

#### 1550

However, now there's a proposal that we have to have a culinary school, a cooking school, and also some condominiums. If this is approved by this government — and when I look at the makeup of the Niagara Escarpment Commission today as compared to five years ago, there may be a few people much more sympathetic to that kind of proposal than before. What I'm saying to you is, if you want to preserve what is good there, and I thought Conservatives were about conserving what is good — remember the commercials they had at one time?

That reminds me, I wondered how I was going to get on to government advertising. I'll divert my attention to that for a moment. They had a jingle before over energy that said: "Life is good, Ontario. Preserve it, conserve it." I thought there might have been a political connotation to that. The government of the day said there wasn't, but I thought there was a political connotation to it. But I digress from the topic.

What I want to see is the preservation of these agricultural lands. I think everything we do to preserve our wine industry and our grape growers and other tender fruit growers and vegetable growers is good. That's one of the reasons I support this piece of legislation before us this afternoon.

The wineries, however, cannot do it on their own. Our grape growers and our wineries face unfair competition from abroad. I think it's safe to say in this House, indeed outside of this House, that there are subsidies under the table in many other countries. I'm told by our growers and by our producers that some European countries and other places in the world subsidize their grape growers and their wine industry. Everybody talked about a level playing field when Brian Mulroney set up the free trade agreement



and then we had NAFTA after that. What we were looking for was something fair out of that. It was going to be a difficult adjustment, everybody knew that, but we still have the Europeans doing things which give them an advantage.

Here in Ontario we stock European wines on our shelves. We store them, we transport them, we really look after them well. I wonder if the same happens in France, for instance, which claims to be a great producing area for wine. The answer is no, so we need — I want to commend the government again. You're going to be surprised by this, Madam Speaker. I'm going to praise the government this afternoon. The government did a full retreat — sound the bugles of retreat over there — on the LCBO. There were people out there rubbing their hands, wondering how the local Tories could get their hands on these new stores the way they did in Alberta. The government looked. I read petitions in the House — I'm sure that influenced them — petitions I was getting from right across the province on this. I met with the LCBO union, addressed the union at that time along with the third party representative. I give them the credit, actually, the employees.

And I want to give my friend Andy Brandt some credit. Andy is a former Progressive Conservative member, back when it was the Progressive Conservative Party and Andy was the leader. He subsequently was appointed as chair of the Liquor Control Board of Ontario and I want to say in this House that I think Andy Brandt has done a good job. He would be appointed by any government. The NDP agrees with him, the Conservatives agree with him and the Liberals agree with him. He's a promoter. He's interested in it. He's taken an interest in Ontario wines. He showed some considerable leadership.

The employees certainly made a good case. They even got into some advertising, but they didn't use taxpayers' dollars, they used their own dollars to advertise why it was good to preserve the LCBO. Ultimately, the government appears to have made a decision, at least in this term — I don't know if I would trust them if they got another term — they agreed to forego the opportunity to privatize the LCBO. I want to commend the government on agreeing with those of us in the Liberal Party who have advocated that and changing their policy, because that certainly is something they should be commended for. Every time you adopt a policy that we advance out there, I think it's good for you and I give you full credit for that.

I want to say as well that the wine industry always has challenges to meet. Our federal government has to be ever vigilant that there aren't unfair trade practices which adversely impact our grape growers and our wineries. I'm sure that would be the case. Provincially, we want to ensure that when you have our product in the LCBO that it's featured there; it's not just the latest French product, but our product is prominently displayed. I want to see if there's some financial assistance that can be provided to our industry as it grows and expands. That's good.

Let me tell you something about government advertising, the kind of government advertising I agree with. This is where I think there is a misimpression. The kind I agree

with is when the government promotes Ontario product. I've seen some of the ads from the Ministry of Agriculture and Food which encourage people to purchase our product. Nothing wrong with that. I'll be the first in the House to stand to support that. I won't the support self-serving, blatantly partisan political ads we see on education, municipal affairs, when the Premier was in the arena with his hockey jacket on, and on health care, their newest \$4-million ad campaign, which is more, by the way, than a political party would be allowed to spend in an entire election campaign, even under the new rules, on advertising.

If you want to advertise without the Premier's photograph, without the political connotations to it — if you want to say, "Our product in Ontario is good," and you want to promote that in Europe, Asia, Australia, Africa, South America, the United States, then good for you. I'll be there side by side with you to support that. I will not, however, support the kind of self-serving ads that we saw the Brantford Expositor editorial today criticized. That can't be a Conrad Black paper, can it, the Brantford Expositor? Does anybody know that? I'm wondering because we don't seem to see much criticism of those kinds of policies in the Black press.

Anyway, there are some issues still there along with this issue. I want to first of all say that all of us in the House agree with addressing the issue that's addressed in this bill, but there is the direct delivery from wineries to the various bars and restaurants which would be very advantageous. My understanding is that almost everywhere else, a winery such as the cottage wineries, you might say, in the Niagara Peninsula or down in southwestern Ontario, are allowed to deliver their product directly to restaurants and bars. Who loses out on that? Mike Harris loses out in terms of some funds. In other words, the government of Ontario, whoever it happens to be, loses out on some funds because there's a tax, an LCBO charge in there, but it would certainly help our wineries considerably if that were removed.

I'm going to suggest that in the next budget. If in the next budget that is applied, when it's announced — you know how the government members have on their copy of the budget, "Clap here," and they all clap, especially the ones who are aspiring to be in the cabinet. If you're already in the cabinet, you don't have to clap unless you're in danger, but those who are aspiring. Janet doesn't have to clap loudly now because she's in the cabinet so she doesn't have to worry, and the chief government whip now has cabinet status. Do you get a limo with that or not?

*Interjection.*

**Mr Bradley:** I appreciate that. What I'm saying is I, in opposition, if you announce in the next budget that you're going to allow that, will be the one leading the applause at that time. Being the non-partisan, open-minded, objective individual that I am, I will lead the applause for that.

*Interjection.*

**Mr Bradley:** Actually, I'm looking for the next speaker, if the truth be known.

*Interjection.*

**Mr Bradley:** The people at home should know that one of the Conservatives — I won't name him because he'll be embarrassed by this — said, "So are we," over there, looking for the next speaker.

1600

Let me tell you that the wine industry has a number of issues it wishes to raise with the government, but I think that allowing direct sales from the cottage winery to the bar or restaurant would really be helpful. It would save them a lot of money. I think all parties would probably agree to that. My colleagues over on the other side have listened and perhaps we'll see it in the budget. As I say, I'll be able to lead the applause at that time on that part of the budget, but there may be other parts of the budget with which I'm not in full agreement.

More material has come in. This is even helpful now.

*Interjection.*

**Mr Bradley:** I actually like my notes better than what I see here.

I can tell you that one of the other problems that exists in terms of the production of wine is that in some places bars or restaurants make what they call a house wine. That may be popular to a certain extent. The problem with that is there aren't health controls and quality controls in there. The wine industry worries about that because, for instance, when visitors come to Canada and consume the wine, they want to have high-quality wine available, a Vintners Quality Alliance, VQA, wine. I think it's good to have that designation.

By the way, I think there's some legislation we could use to have that appellation made official here in Ontario. That may be a piece of legislation that may be forthcoming a little later on. I know my friend the government whip, who enjoys coming to the Niagara Peninsula, not only to watch rowing on the famous rowing course when his son was involved in rowing but also to purchase some product from the various wineries in our area, would agree with that, I'm sure. In fact we should have in legislation a designation, an appellation that you have there called Vintners Quality Alliance. That would get some of the Europeans off our back who try to say, "You don't really have any official designation." So we'll be looking for that in subsequent bills.

We have some proposals that have been forthcoming and I think we should all listen to them. You, Madam Speaker, had the privilege of being the Minister of Consumer and Commercial Relations at one time in this province so you would agree, I think, that some legislation and some regulatory changes that would help the wine industry would benefit all of us.

What you would lose initially on the markup that the LCBO gets on the wine that would go directly to the bars or restaurants you would pick up as that volume picked up, I'm sure.

What I'm hopeful to see is some of the Toronto restaurants, which early on seemed to be reluctant to list Ontario wines, now listing those wines. Heaven forbid, it's great to see Air Canada now with some Canadian wines on it. As I say, years ago, if you asked for a Canadian wine, the

steward looked at you and said, "Did you say turpentine?" It was just so snobbish. "Why would you want that?" And I would say: "Because I like it. It tastes good." It's not just patriotism involved; it tastes good. That's why we're making those inroads into the sophisticated restaurants of Toronto now, because people are recognizing we have a high-quality product.

Now when you have a blind test, that is, people do not see the label on it when the wine is poured for them — it used to be they'd always pick the French wine — "Oh, this is good; this is top-notch wine" — because they could see the label. Now you don't put the label on in a blind test and you find out that Ontario wines, and Canadian wines, in fact, but I'll be parochial enough to say Ontario wines, are picked by many people as their wine of choice. That speaks well of people like Don Ziraldo, who has headed the charge in terms of our exports out there, and others in the wine industry, all the wine industry, who have done a good job.

I saw an editorial in a newspaper. I can't read what newspaper it is but it is a newspaper. It looks like it's by Peter Ward and it says, "Our Ridiculous Liquor Board." Actually, I was complimenting it a minute ago. Let me share with you what it says and maybe we can learn from this.

"It's rather curious that all Ontario wineries complain about an LCBO policy yet they're reluctant to go public, apparently because they don't want to annoy their government monopoly."

In other words, what this columnist seems to say is that they don't want to annoy the government. That reminds me of hospital closings, for instance, that people who are facing impending hospital closings in their area, the cat has their tongue, you know, of the people who are administrators and so on, because they think if they don't say anything maybe their hospital won't be closed or cut back in the services it provides. It reminds me of the Ontario taxpayers' coalition and the National Citizens' Coalition, the cat having their tongue on government advertising.

You probably noted that as well, Madam Speaker. I always admired them. The taxpayers' coalition and the National Citizens' Coalition were always first and foremost — you remember when you were in government — to criticize governments for squandering money on various things. I think they must be away from the province or something, or maybe they're at a convention, because they haven't noticed the Ontario government blowing all kinds of money on self-serving, blatantly political advertising. I expect a press conference is surely going to be held next week at the Ontario Legislature complaining about this advertising. My friend Doug Ford is going to call them up immediately and say, "Let's have it," and they'll look at the nature of the ads.

A lot of Conservative members now, not members of the Parliament, because I expect you have to support government policy, so I don't expect you to come out and denounce it, but I'm having Conservative friends of mine in the Niagara region come up to me and say: "Boy, you know, they're really overkilling with this advertising,



aren't they? We're going to be getting some criticism for this." I said: "You know, you've got to speak to Guy Giorno, because I'm sure that your members agree, but they don't have much power. You have to speak to the powers that be, and that's the whiz kids."

Tom Long is probably advising them. I saw him in the building the other day. I've seen him twice in the last two weeks. I congratulated him, first of all, on the quarter-of-a-million-dollar contract he got as a head-hunter trying to find the top person at Hydro. I congratulated him on that. I congratulated him on being around the building and so influential with this government. So I would say they should speak to Tom Long in this regard. I'm digressing, and I shouldn't. You've been very tolerant, Madam Speaker.

I want to go back to the editorial, or at least the column that I'm reading here. It goes on to say: "You see, LCBO coffers are swelled each year by millions of dollars because our provincial monopoly exacts a markup on wines that it never touches or ever sees. Rules allow individual wineries to deliver wines straight to a restaurant, but then the winery must pay the LCBO markup on each bottle."

Now, let's get that right. The winery takes the wine to the restaurant, say, in Toronto here, for the cost of transportation, and they get to do it but they have to hand some money to the LCBO for the markup. I guess what most of us are saying in the Niagara region at least is, "Let's get rid of that particular markup that's there and let the wineries sell direct without that markup."

It's so ridiculous that Hillebrand's Vineyard Café, actually attached to the winery, has to pay the LCBO markup on each bottle served to diners sitting right next to the wine cellar. The same is true for Cave Spring Cellars, where the On The Twenty Restaurant and Wine Bar is virtually part of the winery.

"The LCBO markup on Ontario wines is a hefty," get this, "66% of the price after federal and provincial alcohol taxes are calculated. PST and GST apply after the markup has been added." So there's one thing we can withdraw from it, and that'll help everything, and I'm not saying that your PST and GST have to be taken off products; I'm saying it would lower the take for the GST and the PST if we took away that markup.

Wines available at small wineries sell for the sale price they would cost if they were carried by the LCBO, but in that case the wineries get to keep the markup. The wineries also keep the markup when they sell through company stores like the Vincor store on Metcalfe Street or the Chateau des Charmes store in Minto Place."

It's a long column, and I don't want to go into the whole column, but it really points out the amount of money we're talking about and how we can help our wineries, just as I think this bill will be of some considerable help.

1610

I have some more information here on you-brews. What we're looking for with the you-brew legislation — I think the member alluded to this — is fair and equitable

tax treatment comparable to Ontario's agriculturally based grape and wine industry. That's what we want to see as a goal.

I mentioned direct sales of 100% Ontario wines to licensees without the LCBO markups. By the way, the Ontario Grape Growers' Marketing Board would tell all of us who are representatives, particularly those of us in the local area, that that alone would create 200 front-line marketing jobs. At the Premier's dog-and-pony show the other day in St Catharines, the non-partisan event held on the eve of the provincial election, with my good friend Al Leach there — he would agree with me that some people might have drawn the conclusion that it was partisan and had something to do with the election, not Al but some other people.

Anyway, John Neufeld, on behalf of the Ontario Grape Growers' Marketing Board, spoke at that particular conference — I was in attendance to keep an eye on the Premier and others, of course — and he said at that time 200 front-line jobs in marketing could be created by the direct sale from the winery to the restaurant or bar.

"It's time for this province to have a total overhaul of its policies towards retailing of wines in particular. We import millions of gallons of wines from countries which go to great lengths to restrict the opportunities for our wines to get into their markets.

"We allow wines with heavy subsidy backing in without penalty. The European Union is raising its wine subsidy yet again...now it will be running at between \$1.50 and \$2 for every bottle of wine they ship into Ontario. The LCBO has become an expensive retailing network for wines, with a wide range of special charges for good positions on shelves in their outlets."

I would hope that our own people would be able to get a break on good positions in the LCBO stores.

"Foreign suppliers have deeper pockets, thanks to subsidies and export support programs. Here in Ontario we have an agriculturally based grape and wine industry, which is generating thousands of jobs."

I can say that I am delighted to see that happening. There have been some articles written about this that I think are rather useful. I have mentioned some of the items that have been brought to our attention.

Yesterday and the day before in the legislative dining room, they were endeavouring to select a dining room Ontario Legislature wine, because the public are permitted to come in and enjoy the food and beverages that are available in the dining room here and in our cafeteria.

I think we should listen to the recommendations that are made by both the wine industry and the grape growers of this province:

"To provide new impetus for growth for the industry's premium wines at a time when sales were beginning to flatten out" — just a bit, in what you call a mature market.

"To make it possible for wineries to dedicate the time needed to build licensee loyalty and thereby expose more restaurant patrons to Ontario wines.

"To provide a new sales channel for the entire domestic industry at the same time as foreign wines were benefiting

from the advent of Sunday shopping at the LCBO, and to provide a buffer against the domestic market share loss that the industry believed would accompany Sunday openings" of the LCBO.

"To help ensure the ongoing health of the domestic grape and wine industry at a time when a major advantage (exclusive Sunday shopping) was being lost and European wine subsidies were on the increase.

"To recognize that, in light of the current trade environment, the federal and provincial governments cannot ensure open access to foreign markets for our domestic wine industry and therefore new opportunities must be created in our home market if our industry is to build on its success and remain healthy.

"To ensure that Ontario wineries enjoy the same opportunities as their competitors do in their home markets.

"To make it more economically viable to operate an estate winery in Ontario, thereby encouraging more winery development in Niagara and southwestern Ontario."

This is a discussion paper that has been put out that I think is helpful to all of us who are elected representatives.

"Following successful tests the year before, the government authorized the Liquor Control Board of Ontario to open on Sundays in 1998. At the time, the LCBO claimed that the effect of this change on the domestic wine industry would be relatively neutral, because wineries without retail stores would gain sales volume and those with retail stores would see their customers continue to purchase their products in their stores or in the LCBO. The domestic wine industry predicted a much more negative outcome for overall Ontario wine sales. Recognizing that a number of Ontario wineries would benefit from this change and that Sunday shopping at the LCBO was an opportunity that the government could not refuse forever, the Wine Council of Ontario chose not to fight this change. Rather, after many industry meetings to discuss alternatives, the WCO provided the government and the LCBO with a proposal to allow for the direct delivery of VQA wines to licensees without incurring LCBO markups."

That's the background to this. Let me give you an example in British Columbia.

"The example of British Columbia suggests that direct delivery to licensees without paying markups does strengthen the domestic industry and increase its penetration into licensed establishments. Today, there are as many wineries in British Columbia as there are in Ontario, in spite of the fact that BC has only one tenth of the acreage under cultivation that the Ontario grape and wine industry has.

"The right of delivering directly to licensees was initially granted only to estate and farm gate producers for 100% BC wines, but to ensure industry fairness, that policy has been changed to allow for the direct delivery of all VQA wines by domestic wineries, whatever their size.

"Wineries in all of the major wine-producing states in the United States wholesale their products to licensees,

including California, Washington, Oregon and New York state.

"Currently, wineries can deliver wine directly to restaurants, but must pay all applicable taxes and the LCBO markup. Wineries are paid \$1.41 delivery charge by the LCBO. Most licensee sales are to the Toronto area, where mileage from Niagara is 235 km. Calculated at 32 cents a kilometre, this means that the winery is paying \$75.20 for each Toronto delivery. Thus, the winery subsidizes the LCBO in order to deliver to the restaurant. Charges from southwestern Ontario are much higher.

"More importantly, the winery loses a profit margin that it could use to increase the amount of time spent with each restaurant training staff, developing an Ontario wine list and generally building the kind of licensee loyalty that the British Columbia wine industry relies upon today.

"As well, small wineries find that delivering directly to restaurants is a losing proposition. For example, one of our small wineries recently calculated their costs" and as they come out, end up with a profit before overheads at the winery of 59 cents. It wasn't really that practical.

I want to say that we will be supporting this. I may have colleagues joining me to complete the remarks this afternoon.

**Mr David Christopherson (Hamilton Centre):** You can always count on the NDP.

1620

**Mr Bradley:** It may be the NDP who will be doing so.

I want once again to say how important it is to ensure that we have this land to produce the grapes. If we are going to pave everything from Toronto to Fort Erie, and if there are those whose dream will be realized only when every last square centimetre is paved and developed, then we won't have that. I think what we have today is worth preserving. Don Ziraldo has made a proposal. He's from Inniskillin Wines and is certainly one of the leading lights in the wine industry. He has proposed now that there be — and the Minister of Transportation is here to hear this — a mid-peninsula corridor, a road, a significant highway that would go through the southern part and the central part of the Niagara Peninsula to take pressure for development off those lands which are near the QEW. Highway 20, as the member suggests, probably would be a sensible route to follow. Perhaps the truck traffic and others could go there.

What I would like to see as well, with the Minister of Transportation here, is not the sign on the highway with the Premier's name that says, "Your Ontario tax dollars at work; Mike Harris, Premier," similar to some Republican Governor in the United States. Where it says, "Governor So-and-so," it would say, "Governor Harris, State of New Jersey," or something like that. Not that; that's not what I want to see. What I want to see is more public transportation available to the Niagara Peninsula. That will be a combination, in my view, of a federal and provincial government working together. We have the Via line there; I think we could have some enhanced Via service. We could see some GO Transit service coming to the Niagara Peninsula which would allow for less traffic on the high-



way. We have some transportation across the lake now. It's in its preliminary stages, let me put it that way, at this point in time. It also has a difficult time operating in winter, obviously.

Enhanced services for rail would be outstanding to see. I'll look forward to the government making a proposal in that regard, that we have that kind of GO Transit, or if we call it Government of Ontario transit or commuter transit, available to people in our area. While I'm not a proponent of more and more highways in the province, as I'm sure the minister isn't — he wants a variety of options open — I think the mid-peninsula corridor would take the pressure off some of the fruit lands that we see there.

Make no mistake about it; there are people lying in wait ready to pave over the peninsula farmland. That would be unfortunate for two reasons, maybe more than two, but we have two unique characteristics: (1) largely soils which are very conducive to producing tender fruit, including grapes; and (2) a very favourable climate. I learned in my grade 13 geography class that the number of growing days, on average, on top of the escarpment is 27 days fewer than below the escarpment — this is as you go along the Niagara Peninsula near St Catharines, so Hamilton to Niagara Falls — that on top of the escarpment, on average, they get 27 fewer frost-free days. So you have that combination there.

Plus, we have some outstanding farmers in the Niagara region who over the years sometimes have passed down — my friend the member for St Catharines-Brock farms and he would know and have many friends in the farming community who do an outstanding job in producing the product. We need support for that product. Those who have been involved in farming practices know that we have to be prepared to pay a decent price to the producer if we're going to ensure that we're preserving the agricultural land. We can't simply say to the producer, "You must stay on this land under all circumstances, and we're not prepared to pay you the amount of money you should get for your product or help you indirectly in some other way if you were to stay on the land."

I know I have the Minister of Agriculture's support in this regard when I say that he would want great caution shown in severances being allowed, because now there's a movement for what are called economic severances. Do I blame the people for asking for them? No, I don't, but as soon as you allow these severances and as soon as you allow urban people to move out into agricultural land areas, then you get complaints, because many of the people who move out to enjoy the countryside don't appreciate the odours, don't appreciate some of the noise, don't appreciate some of the dust and some of the other farm practices which are normal farm practices. So it's important that we not willy-nilly grant severances to people just because they happen to know somebody in the right place to be able to get that severance. That's where I think the Minister of Agriculture would agree with me.

In fact, many people belonging to the federation of agriculture and the Christian Farmers in the province would agree that you have to have strict control over those

severances. Mr Chudleigh is quite correct in saying that fruit and vegetable growers most assuredly are supportive of a very restrictive policy, because out in the farmland they don't want people who simply come out to enjoy the country and then start complaining about what's happening around them. They're justified in being concerned about that.

I have just about exhausted all of the arguments I can muster on this particular piece of legislation. I don't want to repeat myself, obviously. No further notes have come in. No other issues have to be canvassed. I can tell you that tonight I'll say that a Hotel Dieu doctor fears a dialysis crisis, but I will get on that tonight, because that's another opportunity. This afternoon, as always, I want to stay as closely as possible to the piece of legislation that is before the House.

I say to my friend the parliamentary assistant and to the government, "Well done, today." Take those compliments. They're few and far between. I don't want to read in the government whip's next brochure during election campaign, "'Good for you': Jim Bradley." I don't want to see it taken out of context.

**Hon David Turnbull (Minister without Portfolio):** Would I do a thing like that?

**Mr Bradley:** Yes.

They often ask us — you would know this, Madam Speaker, and all members — "Why don't all of you people in the House work together?"

**Mr Rosario Marchese (Fort York):** Yes, like a family.

**Mr Bradley:** Like a family, right. "Why don't you praise the government once in a while?" I always say, "There are two reasons why opposition members don't praise the government. The first reason is they have 82 members there, all with a third hand growing out to pat themselves on the back." So that's the government's due. They have their own members to do so.

Second, they're liable to read it somewhere. I remember my friend Peter Kormos during, I think, the last election campaign. No, it was probably 1990. When I was a minister I answered a question in the House and I said, "I appreciate the member drawing this to the attention of the House, as he usually does in an excellent fashion." The Liberal candidate in the next election brought me the pamphlet where I had been quoted as saying that. It has made me reticent to be too effusive in my compliments to the government from time to time.

But I want to say on this bill, we have a consensus in this House. If your government brings forward a provision to allow for direct sales from the wineries directly to the restaurants, you'll have my applause and support for that. If you preserve our agricultural land so we can produce these, that will be good.

I think you're not wrong, even though there have been times when people on your own benches have said, "Make sure you don't overregulate." I think you are quite appropriate in regulating in this case, and I think enlightened people in the brew pub industry have said, "We're prepared to accept that kind of licensing and regulation."

There are a few people who don't like it, but I think the enlightened people who want to see a viable brew pub industry, something that's a hobby for people, want to see it operate well. They understand there has to be licensing, just as we have licensing for cars.

There are some members on the government side, with the opposition's support, who want to see some licensing moving into watercraft of some kind. It's not to be mean to anybody. It's not to be overly restrictive. It's to provide some rules within which all of us must work. That's all the wineries have asked for, and that's all others have asked for.

1630

The clock seems to show a lot more time now. I thought they had added an hour on to my time this afternoon, but it hasn't happened. I look forward to responses from members of the opposition. I'm going to show you that just because you give me an hour doesn't mean I'm going to take an hour to give a speech in this House. You know how I said that sometimes you should allow 90 minutes for a late speech, other times half an hour. Some members opposite will be saying there may be a provision sometimes for 10 minutes and they may want to invoke that.

I will conclude my remarks and say we will be supporting this bill. I don't anticipate a debate on third reading unless of course the government does something to annoy the opposition, which I know they're not going to do, but I don't anticipate third reading.

One thing I would ask you is, when you pass this bill, if you do any advertising, that it not be of the self-serving, self-congratulatory, partisan advertising that we see with these health care ads and education ads at this time. If you do that, I'll be absolutely delighted.

**The Acting Speaker:** Questions and comments? Further debate? The member for Fort York.

**Mr Marchese:** I want to take this opportunity to make a few remarks. They won't be as long as the member from St Catharines' because he's got an interest in this. The stake is bigger. He's from St Catharines, in an area of Niagara where the wine grows. I have some affection for those arguments, first, because I have a cousin in St Catharines and, second, because of my connection to wine. I'm very fond of wine, as some of the members who have travelled with me in committee know. I like good wine. We have some good wines in the area of Niagara that I'm very proud of and we want to protect the industry as best we can.

I want to say that this is a bill that is obviously a good one. It's a bill that deals with small business in general, and I'm connected as you know to that sector as well. I was the chair of the Fort York Small Business Association for many, many years. They have had many concerns with old governments. In fact, I ushered in many changes they had recommended and offered them to the former minister in the New Democratic Party government. They listened to many of the suggestions they had made.

I say that small business is the heart of our communities everywhere and this bill addresses many of their concerns. This bill amends the Liquor Licence Act to

establish a licensing scheme for the brew-on-premises sector of the beer and wine industry, and that is a good thing. It's timely. I say that the you-brews have a shared interest in a more level playing field. They've been calling for that now, obviously. They want it and we support it. They have seen a marked increase in recent years of brew-on-premises facilities opening in Ontario and, also, I might add, an increase in the number of facilities that are not following the existing rules. So clearly they want the same playing field that should apply to everybody equally. Who could disagree with that?

In this regard — and I tell you, it's not often that we agree with this government. Like the member for St Catharines, I too meet a lot of people who say to me, "You've got to find some things that you can agree with, otherwise the public" — meaning those who are listening to you — "are going to dismiss you as constantly criticizing and being critical of this government." I told them, "I would like to do that but it is such a rare opportunity that we are given to agree with this government on anything they have done." So here is one opportunity. I'm happy to say there is a bill, Bill 57, that I agree with. That's a good thing. So I praise you for that.

But I want to move on to the contradictions, if I can. I need to, because how could you not, as a critic, get to those other matters of interest to the public? In this particular area of you-brews, you folks said: "We need regulation, right? That's a good thing." Yet this is the same Tory government that said: "We have too many regulations. We've got to get rid of all these regulations. It's simply counterproductive. Business hates it. They can't produce the jobs they want because governments are getting constantly in their way by the introduction of more and more regulation." So I find it very strange that you would introduce regulations that counter your usual argument about eliminating them. Frankly, I find this contradictory. I'm not sure how some of you feel. I am convinced the public watching will find it contradictory that you should at once call for regulations and at the same moment say you want to get rid of regulations. I find it odd.

Getting to another matter, as briefly as I can, because I know that we want to move on to other issues, we have in the books now an act to deal with franchisees. I know my colleague Tony Martin from Sault Ste Marie supports the bill that you have just introduced here that we're dealing with, but also has been very critical of you on that bill dealing with franchisees, because as much as you've gone a long way in dealing with the you-brews in terms of important, essential regulations, when it comes to franchisees, my colleague from Sault Ste Marie is saying you're not going far enough. It is a half measure. It is an incomplete regulation.

We know the stories in this field, and there are many; many franchisees, poor folk, hard-working small business people who are dealt with rather badly by the franchisors. We've known the stories — the stories of gag orders. They are not permitted, for example, to speak about the contracts or any information contained therein with any-



one, and if they do they, they're subject to serious litigation. They are forced to buy from the franchisors, often at prices they can't afford. In fact, their prices are higher than other places that they could buy from. Their contracts are one-sided. The franchisor has all the power and the franchisee has no power whatsoever.

We are looking, in the bill that they have introduced, for adequate arbitration measures. We're looking for a dispute mechanism that would help the franchisee to be able to deal with problems they face so that they don't have to go through the court system that is a very costly system. When they have to face the franchisor, who's got all the pecunia in the world versus the small amounts of money they have, how could they take their issue to court when they know it would cost them a fortune to do so?

So what we have is a Bill 57 that is adequate by way of regulation, and we praise them in spite of their contradiction around this. Then, on issues of the franchisees, they introduce a half-measure regulation that doesn't go far enough.

Then we expose them to another problem, and that is the problem of the environment, where this government says, "We don't want any regulation on companies that pollute our society," because they say the companies should, on their own, be vigilant and, on their own, watch themselves and, on their own, monitor their own activity with respect to the environment.

Can you imagine allowing those who are polluting our air and our water, the very things that affect our health, the very scum that is emitted in our water and in our air that is affecting each and every one of us, children, women and men, permitting the company, the private sector, to monitor itself? You can see the contradiction quite clearly.

Bill 57 has adequate regulations. The franchisee act they've introduced is a half measure, half regulation, inadequate, and on the issue of the environment, where we desperately need the intervention of this government, we have nothing. We have a government that is content to do nothing in that area.

1640

Speaker, you nod in agreement, because surely you understand it. It doesn't take a scientist, obviously, to understand the argument. That's why I saw you nod because you privately understand. I know you couldn't say that publicly, but that's why I expose it. You see, Speaker, I praise you and then need to whack you a little bit, because if I don't expose the problems and the contradictions, who will?

On the issue of labour, you've got a lot of problems there. That ministry has been decimated by this government. That ministry has been cut in half. That means that inspectors who normally would be out there checking out work sites —

**Hon Jim Flaherty (Minister of Labour):** Absolutely wrong.

**Mr Marchese:** Oh, the Minister of Labour is excitable and excited, quite clearly.

**Hon Mr Flaherty:** You don't know what you're talking about.

**The Acting Speaker (Mr Dan Newman):** Member for Durham Centre.

**Mr Marchese:** Minister of Labour, you're brilliant. You are the omnipotent one in this place. You're the omniscient member of this Legislature who quite clearly — the minister obviously knows all, he's saying, but he has decimated the Ministry of Labour. M. Harris, the Premier, has done that. He took it over when that dirty deed, that malfeasance had been committed already by his leader. He had to take on a ministry that had already been badly hurt, so he has now got to defend it.

**Mr Derwyn Shea (High Park-Swansea):** On a point of order, Speaker: the word "malfeasance," I believe, is not in the parliamentary lexicon. Would you ask the member to withdraw it.

**The Acting Speaker:** I just want to caution the member for Fort York that he may want to choose a more appropriate word than the word he used.

**Mr Marchese:** Speaker, I've got to tell you I'm getting awfully nervous about the role of the Speaker; not his advisers — possibly his advisers. I tell you, you guys —

**Mr Shea:** On a point of order, Speaker: It is also appropriate to remind the member for Fort York that we do not challenge the ruling of the Chair.

**The Acting Speaker:** Thank you, member for High Park-Swansea. Member for Fort York.

**Mr Marchese:** I wasn't challenging you, was I, Speaker? I was expressing a concern —

**The Acting Speaker:** Can we get back to the bill at hand.

**Mr Marchese:** I was, until he interrupted. I was indicating to you, Speaker, that you have an important role and your advisers have an important role. Each and every time that you stop us from using words that are in my view descriptive of actions that we want to speak to and you sanitize each and every word, then we might as well all go home. Isn't that true, Minister of Housing?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** Yep, I'll go home.

**Mr Marchese:** I think you would agree.

Getting back to the other matter that I was talking about, regulation versus half measures, regulations versus no regulation, I was talking about labour here and I was saying that here is an area where workers demand that you be there and regulate. But you've cut your ministry by half. How can you —

**Hon Mr Flaherty:** More inspections, more prosecutions. You don't know what you're talking about.

**Mr Marchese:** There's the omnipotent one speaking again. Speaker, the minister may have said something that he may want to correct, do you think?

**The Deputy Speaker (Mr Bert Johnson):** It would help a lot if you would address your remarks to me rather than other members. I'd ask you to do that, please.

**Mr Marchese:** Before you came, Speaker, and when you came, I was addressing my remarks to you and through you. I don't know what you want me to do. I'll do my best to continue to do what I was doing. I want the Minister of Labour to have two minutes at least, if that's

appropriate to the whip. I was saying that he is the one who is very omnipotent and omniscient, having all the answers. Therefore I would want to listen to him, and you would too.

To finish that thought on the issue of labour, this is an area where workers want this government to intervene and to be actively involved. It means that if you have fewer inspectors out there in those work sites, we've got problems. I don't have a problem; it's the working man and woman that has to deal with this particular issue day and night in those work sites. They're the ones who will suffer when you have fewer inspectors on the job doing the work they should be doing.

Speaker, I hope that in my 15 minutes or so I have elucidated this matter somewhat for you. We have a government that doesn't want regulation introducing Bill 57, which is a regulation issue, a regulatory bill, contrary to Tory intentions and Tory philosophy, by and large.

**Mr Joseph Spina (Brampton North):** If you're supporting this, you're talking an awful lot.

**Mr Marchese:** But, Mr Spina, I want to help you. All I'm doing is exposing the contradictions. That is all.

You have a Minister of the Environment, weak, suffering, because they don't have the resources or the dollars to do the proper job. You have said the companies should regulate themselves. I think it's wrong. Families and working people think it's wrong. We are all affected. Our health and our lives are being affected by that. I include labour in that regard. Working people are part of this problem because you are not adequately putting in the people who should be there to regulate the industries.

On the issue of the franchisee bill, it's a half measure. It doesn't regulate adequately to protect small business the way it should.

Mr Speaker, I have praised them and I have whacked them as appropriately as was necessary.

**The Deputy Speaker:** Comments or questions?

**Mr Bradley:** I want to commend the member, first of all, on being able to cover all of the arguments in such a short period of time, because I know this bill has a lot of provisions in it that could provoke a rather significant debate. The fact that the member has been able to succinctly cover those issues is very worthwhile.

He also talked about the fact that the Niagara region is well known as a grape-producing and wine-producing area. I certainly will extol the virtues of that area on every occasion possible. You're from southwestern Ontario, Mr Speaker. You will be aware that in southwestern Ontario there are some vintage wines made that are a very high-quality product that should be enjoyed by people across this province.

I want to pay tribute, by the way, to the people who were involved in the consultation on this piece of legislation. It's often hard to get a consensus, and I understand there wasn't a complete and happy consensus on this. There are always going to be some dissidents but, by and large, there appeared to be a good consensus built around this legislation. I think as a result we're going to see a better opportunity to ensure the health aspect of the prod-

ucts that are being produced and I think it will help in the quality of the products being produced at the same time. There is nothing wrong with embarking upon that kind of activity. The member for Fort York has appropriately stated that and I think he should be commended for it.

**The Deputy Speaker:** Comments or questions? The member for Fort York has two minutes to respond.

**Mr Marchese:** I just want to thank the member for St Catharines for his contribution.

**The Deputy Speaker:** Further debate?

Mrs Ross has moved second reading of Bill 57. Is it the pleasure of the House that the motion carry? It is carried.

Shall the bill be ordered for third reading? So be it.

1650

## HOUSE SITTINGS

**Hon David Turnbull (Minister without Portfolio):** I move that notwithstanding standing order 6(a), when the House adjourns on Thursday, November 5, 1998, it stand adjourned until Monday, November 23, 1998.

**The Deputy Speaker (Mr Bert Johnson):** Does the minister care to make a statement?

**Hon Mr Turnbull:** I would seek unanimous consent to this motion.

**The Deputy Speaker:** Is it agreed?

**Mr James J. Bradley (St Catharines):** Debate.

**The Deputy Speaker:** I am told that wasn't the request. The member for York Mills has asked for unanimous consent to pass the motion. No? The Chair recognizes the minister from York Mills.

**Hon Mr Turnbull:** The motion requests that the House not return for one extra week after the normal constituency week in order that all members of the House can have consultation on various bills around the province which is I believe the understanding among all parties that we should have this.

In fact, this is consistent with our government's record in that we have consulted more than any other previous party. Our government has spent some 773 hours on the road conducting public consultation on legislation. By comparison, I would mention that the NDP, when they were the government, spent 645 hours and the Liberals in their five years spent 349 hours.

Some interesting statistics on this are, when we look at the number of sessional days that we have spent in the first three years — and I use the first three years because we've been the government for approximately three years; the Liberals who were in their second term, were the government for three years and the NDP were for five years — so I'm just taking that first three-year period of all of them for comparison.

The present government has sat in the 36th Parliament for some 361 sessional days and has passed 89 bills, which means that it's approximately a quarter of a bill per day. The NDP, in comparison to our 361 days, sat 278 days and passed 143 bills. In other words, a little more than half a bill per sessional day. The Liberals in fact sat 297 sessional days, compared with our 361 days, and



passed 183, so also greater than half a bill per sessional day. We have passed a quarter of a bill per sessional day.

I think our record certainly stands on its feet. The average time spent on second reading for our bills has been, in the first session, four hours and 50 minutes, as compared with the NDP, one hour and 28 minutes and the Liberals, one hour and eight minutes. During the second session we have spent five hours and 33 minutes per average bill at second reading; the NDP some three hours and 55 minutes; and the Liberals, one hour and 38 minutes.

In other words, our government has given more debate time for all of our bills, on average, than the two previous governments and we have also spent more time on the road consulting with the people.

I think this is a good move. It signifies that this government wants to listen to the people, wants input and we are, in asking for this motion to go through, asking for the ability to not sit for one week in the House so that we can go on the road. I believe it is the request of the opposition parties that they do wish to go on the road with some of these bills. With those remarks, I will conclude and hope that my friends will see fit to pass this in a timely fashion.

**The Deputy Speaker:** Comments and questions? Questions and comments? Further debate?

**Mr Gilles Bisson (Cochrane South):** Yes. Questions and comments.

**The Deputy Speaker:** No. I'm sorry, I'm passed comments and questions and I am calling for further debate. The Chair recognizes the member for St Catharines.

**Mr Bradley:** At first, I thought this would be a very simple motion that could go through in a short period of time. However, the government whip has provoked us in the opposition with his initial remarks.

I want to say that I just saw yet another time allocation motion — another motion to close off debate — appear on my desk. This is always done, I should tell the folks at home, at about five to 5 on a day because they have to file it by 5 o'clock. It's kind of a tradition now.

It used to be they did it because they didn't want the media to know that they were once again filing a closure motion. Now the media don't even cover it anyway. They become so used to the abuse of the rules and standards of this House by Mike Harris and his colleagues that the media don't even cover that any more. In fact, there are some members who have requested — I wouldn't say this myself, of course — that we take the television sets out of the media offices so they'll come down and watch what goes on in the House. The Conservative members are saying that, but that might well happen.

In that week we have after Remembrance Day — and I think it's good that we are home for that constituency week, and all of us will want to have the opportunity to pay tribute to those who have given their lives and who have served on behalf of Canada and its allies during the great wars and other conflicts that have taken place. So it's most appropriate that we have a constituency week during November 11 week and I'm sure all of us will be at

the cenotaph and other places paying tribute to those who have laid down their lives on our behalf.

We also have something in this House, I should mention to people who might be watching, that is something to behold, and that is the one time where you can always count on absolutely no partisanship, which is when we have a representative of each of the political parties stand to pay tribute to those who fell in battle and to those who have served in our armed forces. I've heard some excellent speeches over the years from members, most particularly from those who have themselves served. That's more difficult now because the people who have served in the first two wars are generally quite elderly, but there have been those who have served in the Korean conflict and others. That's one time when I really think this House shines with the three members who represent each of the parties speaking on that occasion.

This motion, which is quite flexible, allows me an opportunity to talk about some things which are of concern to me. Members of this House will know that I was extremely concerned when the hospital restructuring commission or, as I call it, the hospital destruction commission, showed up in St Catharines and announced that it wanted to close Hotel Dieu Hospital. Not all of the recommendations that were made by the commission are going to be rejected. In fact, I suspect there will be members of all three parties and people from across the community who would agree with some of the recommendations for investment in a variety of health activities in the Niagara region. But I can tell you that there are thousands upon thousands of people in St Catharines and the surrounding area, throughout the Niagara region and beyond the borders, who will simply not accept the fact that the commission established by Mike Harris has ordered the closing of the Hotel Dieu Hospital in St Catharines.

What was interesting was an event I was at in celebration of the 50th anniversary of the Hotel Dieu. This was a book that had been published on that occasion. My good friend and colleague Tom Froese read a scroll from the Premier that congratulated Hotel Dieu on the service it had provided to the people of St Catharines and surrounding area for 50 years and wished them well for some time to come. I found that hard to square with Mike Harris's commission recommendation that lights be turned out at Hotel Dieu, that the boots be put to the Religious Hospitaliers of St Joseph who for so long, not only in our community but other communities, had served by providing us with a hospital.

I can remember seeing a petition with some 60,000 names on it calling for the retention of the Hotel Dieu Hospital as one of our hospitals in St Catharines. When the people from Hotel Dieu ask, "Who is on our side?" I will be standing shoulder to shoulder with the board of directors, the board of governors, the medical staff, the non-medical staff, the volunteers, and all those who have been associated with Hotel Dieu, either in the delivery of health care services or in the receipt of those health care services. I will stand shoulder to shoulder with them in

defending the future operation of Hotel Dieu in the Niagara Peninsula, because it is a first-rate hospital, as are our other hospitals.

1700

In our community we have three hospitals; two of them are active treatment hospitals. St Catharines General Hospital has done a wonderful job for people in our community. I was a patient in that hospital a number of years ago and received good treatment as a result of a hockey accident that I was involved in. I sat on the board of governors of the St Catharines General Hospital, where many significant decisions were made over the years. I have supported it financially and will continue to support St Catharines General Hospital in the outstanding job it does.

We have the Shaver Hospital, which is a chronic care and rehabilitation effort. Many people who have had such things as strokes or other problems have gone there, have been rehabilitated. It's a long and painful process. It has done a good job. I think it should continue to operate, and it will.

But the Hotel Dieu is under the axe, just as it was in Kingston, just as it was in Cornwall. People want to put it out of business, the people in this case being the Health Services Restructuring Commission. People wondered, back when this government was first elected — this would have been late December 1995 and January 1996 — why I so vociferously opposed Bill 26, a massive budget bill which altered, in some way or other, some 47 different acts and statutes of this Legislature.

One of the provisions in that bill, which we in the opposition called the bully bill because it just did so much in one bill, shoved aside so much in one bill, was the establishment of the Health Services Restructuring Commission, which was supposed to go into communities, assess the circumstances and make changes.

The number one mandate in my view, others will disagree, was to cut; in other words, to save money in the system. We had people who engaged in what I call crackpot realism. They looked at what we had and said: "We've got an excellent health care system. It does cost us considerable money. By gosh, we'd better start dismantling it." I was not prepared to engage in that. Those same people today will probably nod in acquiescence at the commission report. The chattering classes, the people who believe they know more than the regular folks in St Catharines, will say: "You know, this kind of makes sense. This is good that we're closing a hospital and trying to consolidate services in another hospital."

I can say, first of all, that already we have problems with our emergency services, where we have to redirect ambulances from one hospital to another because the emergency department of a hospital is overflowing.

We also have specialized service. Today, for instance, I was chatting with a person who is doing it on a non-partisan basis, as a patient advocate. He is a doctor at Hotel Dieu. He deals with the renal dialysis. He looked at the figures. The headline says: "Hotel Dieu Doctor Fears Dialysis Crisis." In effect, what he said was that if you looked at the report, it had some erroneous assumptions

that would affect patient care as far as kidney dialysis was concerned. We are going to see, indeed we have seen, a far greater growth in the number of people utilizing dialysis services than the commission contemplates.

The amount of room required is going to expand considerably. Keep in mind, of course, that we have in the Niagara region, per capita, the most elderly population in all of Ontario. That is the most people, per capita, 55 years old and over. You will recognize that as we all get older we are more likely to require medical services, acute care services as well as chronic care services, and that goes for elderly people. There's an assumption out there among some that all you need for your elderly people are chronic care services, that you simply put them in a chronic care nursing home and somehow they will never need acute care services when in fact as all of us get older we are more likely to encounter problems with our physical and mental well-being which will require some acute care intervention.

Dr David Foot, author of *Boom, Bust and Echo*, a book which examined the demographic framework of Canada, having looked at some of the future trends as a result of looking at our population, said when he came to Brock University, in answer to a student who asked the question, "Dr Foot, if you could give one piece of advice to Mike Harris, looking at the demographic profile of the Niagara region, what would it be?" The member for Scarborough Centre knows what it was. Dr Foot said, "Don't close hospitals. You're going to be opening them up in another 10 years."

I think Dr Foot's recommendation is one that Mike Harris should listen to, particularly in view of the fact that our Premier, when he wasn't Premier but was leader of the Conservative Party alone, during the leaders' debate during the last provincial election campaign, in answer to a question from Robert Fisher of Global News about whether his health care policies would result in the closing of hospitals, said the following: "Certainly, Robert, I can guarantee you it's not my plan to close hospitals." Mike Harris said that, the Premier of this province.

I hear members going around and the new slogan for them is "On track" or something like that. That's one of the new slogans they gave them at the convention, and they said "Keeping promises," "A promise made, a promise kept." I got a promise from Mike Harris last election campaign that said it was not his plan to close hospitals, but since that time we have seen, according to legislative research, the library, which did some research for our government agencies committee, 40 private or public hospitals have been closed or forced to merge. In St Catharines we have the Hotel Dieu which is recommended to close and the Maplehurst Hospital in Thorold which was told to close. That makes 42. There are 42 promises broken by Mike Harris.

I'm giving him a chance. I'm going to say: "Look, Mike, you've got a chance to redeem yourself. In St Catharines we have the Hotel Dieu Hospital. I know what you said when I asked in the House, Premier Harris, or Elizabeth Witmer, Minister of Health, or Jim Wilson,



previous Minister of Health." They got out the bowl of water and they did an impersonation of Pontius Pilate, washed their hands and said: "Don't ask me about that. That's the Health Services Restructuring Commission."

Interesting, except just yesterday in Thunder Bay the Premier and the health minister were up undoing the Health Services Restructuring Commission report, changing the report, tampering with the report, altering the report, and I'm prepared to applaud that, because I didn't like the report. It didn't make sense. No longer can the Premier or the Minister of Health or the previous Minister of Health or the Minister of Long-Term Care hide behind the commission. As we get closer to the election, the commission can be much more political now.

1710

Another question outside of Hotel Dieu evolved in the Niagara region, and that was the assumption of debt. Some of the hospitals are annoyed that they're going to have to assume the debt of other hospitals. I know my friend from Lincoln mentioned that at the meeting.

By the way, I should tell you, speaking of the meeting or the announcement, my friend from Scarborough Centre would be interested in this because, if not a crime commissioner, he would like to be a crime commissioner. I arrived at the Howard Johnson Hotel in St Catharines to hear the report of the commission. I said before it was like Darth Vader showing up in the community. I was hoping that they weren't there to slam the door shut on any one of our hospitals.

I arrived there and I went to where the news media was getting its briefing and the questions were being directed. These are people who have studied the issues, have asked the questions, have immersed themselves in issues related to health care in the community. They had a guard at the door. I got my foot in the door, I tried to pry it open, had an argument with the — I won't say "thug" because that would be unparliamentary and unfair; I'll say with the individual who was in charge of keeping elected people out of this meeting. I said, "I would like to be in this meeting because I would find it interesting to hear, first of all, what the commissioners say to the news media, and how they respond to the answers directed to them."

It wasn't legislative security. I would have, of course, easily complied with the suggestions from legislative security that I not enter a place that was illegal or something. But this was simply the Ministry of Health trying to keep elected members out of the place where the action was. I was disappointed and angered by that and I indicated my disapproval of that to those who were present at that time. The elected representatives were herded into another room like cattle to get the word. The word wasn't good. The word was not good.

You see, I've attended meetings where thousands of people were at the CAW hall in St Catharines. These weren't simply the brothers and sisters who are members of Local 199 or any of the other locals. This was rented out by people who wanted to save Hotel Dieu Hospital. It was overflowing. They were along the walls, they were out almost into the parking lot, people who wanted to save

Hotel Dieu Hospital. This was rented by the local restructuring commission. Then, at Club Roma there was another meeting sponsored by the Friends of Hotel Dieu. Again, a large number of people who took time to come out, who have written letters, who have signed petitions, who have made telephone calls to preserve the Hotel Dieu in our community.

When I see those who will eagerly applaud the loss of the Hotel Dieu, I become concerned, because somehow we have to engage in this crackpot realism. There are those who'll throw a sop to them and say, "We understand the emotional attachment people have to Hotel Dieu." I can tell them there is an emotional and in many cases a religious attachment to Hotel Dieu, but there's also a very strong medical and health care attachment to Hotel Dieu and the services it has provided.

At the Hotel Dieu Hospital we have the oncology clinic. This is where people go for chemotherapy when they are being treated for cancer. A very special group of people work with those patients. It's a nice service because people can go in on a daily basis, come out of the hospital. We also have a very significant renal dialysis unit where people who have kidney problems and perhaps are waiting for a transplant, or certainly require the services of dialysis machines, are served. That is more than we think in terms of the difficulties such people experience.

I saw one of the doctors today quoted in the St Catharines Standard saying there is a problem. It says:

"A St Catharines doctor is blasting a report that overhauls health care in Niagara, claiming it could leave dialysis patients in the lurch."

Dr Anthony Broski, at Hotel Dieu Hospital, "claims a provincial commission made numerous errors when it calculated how much funding will be needed to meet future dialysis demands. He claims the resulting shortfall will be more than \$13 million by the year 2003." That's just five years away.

**Mr Bart Maves (Niagara Falls):** Is that cumulative?

**Mr Bradley:** It's cumulative, yes.

**Mr Maves:** So that's not —

**Mr Bradley:** No, no. I'm sorry. What he pointed out was that the commission had made a mistake in that they thought there was only 13%, or a certain percentage, over a number of years. He said it increases each year. He said, for instance, that what had been projected last year and the year before was far less than actually happened; the growth was far greater.

"If this plan goes through, there will be a crisis in dialysis," said Broski. "Their method is grossly flawed, and it will result in underfunding."

"The Health Services Restructuring Commission released its preliminary report Tuesday outlining the future of health care programming and funding in the Peninsula. It called for drastic changes, including the closure of Hotel Dieu in St Catharines, the creation of one body to govern all Niagara hospitals except West Lincoln Memorial Hospital in Grimsby and \$52 million for renovations and expansion to St Catharines General Hospital.

"Under the plan, Hotel Dieu's state-of-the-art dialysis unit would move to St Catharines General sometime after April 1, when the new Niagara Health Care System takes over the hospital, and before October 2000, when the Dieu is closed."

But the move to a new facility is going to cause some certain problems. The funding formula and the growth formula used to determine what is going to be needed is flawed, according to Dr Broski.

There is also an outstanding palliative care unit at the Hotel Dieu. It has a teleport right now where you can have helicopters land. It has the ambulance station right next door to it. There are diabetes services there. There are services for autistic children. There are some rehabilitative services nearby for people suffering from alcoholism or other substance dependence and abuse. So Hotel Dieu is very much required for our community well into the future.

I cannot speak for other members of the Legislature in the area, but I know there would be some considerable support for the continued operation of Hotel Dieu Hospital in St Catharines. I think it's important that those of us who do care stand together to challenge the commission's report and, probably more important, to convince the Minister of Health and the Premier that the closing of Hotel Dieu Hospital is unnecessary and ill-advised.

I also talked to some people in my area, and I raised this in the House yesterday, about the hospital in Burk's Falls. Apparently the hospital was closed, I am told, the only hospital in a long time to have been closed anywhere, under the previous government, and Ernie Eves, the member for Parry Sound-Muskoka, the provincial finance minister, the Deputy Premier, went into Burk's Falls and ordered the hospital reopened. I suggested in the House yesterday that what should happen in St Catharines is that we should bring Ernie Eves there to reopen the Hotel Dieu, to at least save it from the clutches of the Ministry of Health and the commission appointed by Mike Harris to close hospitals in this province.

1720

I'm not prepared to accept what the chattering classes are saying about this, the people who say: "You've got to understand it's for the good of the community. Don't you understand health care in the future?" In the future, we are going to need all of our hospitals. People are living to a much older age these days. They need more acute care and more chronic care. Some people want to choose what they feel is the special atmosphere available in the Hotel Dieu Hospital. Others will choose the General and some the Shaver because of the type of treatment they're going to get.

I become, as do my constituents, rather incensed when I hear the government is cutting money from the operation of hospitals in our area while at the same time it's embarking upon yet another advertising adventure. Last night, I believe it was, on television we got the new set of ads. They're slick. Anybody who's an objective observer would say they are slick ads, clever ads. Do they provide

any straight information? No, they do not. They provide a political message.

I mentioned in an earlier debate today — and members who have some agricultural areas, as the Speaker does, within their purview will appreciate this — that when the government has ads which promote Ontario produce, for instance, I have no objection. I encourage that. I think that's good. When the government puts an ad in the newspaper that says, "There will be hearings for the following bill," I think that's acceptable. When, as the government did, there was an ad in the paper saying, "There have been changes to the family support program and we have some legal people who will be available to you to answer your questions" — no propaganda in it, straight ad — I thought that was quite acceptable. But what we are seeing now is the carpet bombing of this province, a blitz of this province with self-serving, clearly blatant political advertising.

I have said in this House previously that I have been disappointed, though not entirely surprised, that we haven't heard from the editorialists on this, editorialists who are usually very careful to point out what they believe are abuses of public office, abuses of power, squandering of taxpayers' dollars. I had a person say to me the other day: "Don't be so naive. It's because they make money from the ads. When Mike Harris puts one of those ads in saying congratulations to somebody on creating jobs, with his picture, smiling and trying to get some attention for himself, when he does that the newspaper makes money. Do you really expect them to have editorials denouncing that?"

I'm not that cynical. My answer was yes, I do, because I don't believe that the order of precedence of a newspaper is, "We must satisfy the needs of our shareholders first, our advertisers second and our reading public third." I believe most newspapers see that they have a special role to play in a community, that their readership is the first consideration. So I expect, as I saw in the Brantford Expositor today, to see more of the kind of editorials that I think are very helpful, that really speak for most people in this province.

I also wondered about the crusty talk show hosts. There are some major Toronto stations and stations in other huge centres where you have the talk show host who takes a shot at government all the time — waste of money, abuse of power. Maybe I haven't had a chance to listen to the talk shows, but I haven't heard the criticism.

The Ontario Taxpayers' Coalition, always quick to point out, justifiably, what they believe are abuses of the public purse, has been silent. The cat has their tongue. It may be that they have not noticed the ads yet, although that's difficult not to do. The Canadian taxpayers — no, there's a Canadian organization anyway that's Canada-wide. Stephen Harper is the president, the former Reform Party member of Parliament and former aide to a Conservative minister. So I know it's totally independent. It's the National Citizens' Coalition. I thought they would have been watching. They're watching the transportation minister, who is trying to bring together the right and the right; the moderate right and the other right. He's trying to



bring them together, his party — the Reform Party — and the Conservative Party. I would have thought that Stephen Harper would have noticed that Ontarians are squandering millions of dollars — not on information ads but on clearly, blatantly partisan ads — that could keep our schools open, provide for more teachers in our system, provide for the Hotel Dieu Hospital to stay open.

Let me read you this editorial from the Brantford Expositor. I want to compliment them for having the intestinal fortitude to print one of this kind, even though they may have some of the ads in their paper. It's entitled, "Hey, Who Called an Election?" It goes on to say:

"Did Premier Harris call an election last week and forget to tell anyone?

"It sure seems like it.

"Election-style ads are popping up in papers across the province. The one in the Expositor on Wednesday had a picture of some guys at a ketchup plant down in Leamington, a few paragraphs of puffery about how many jobs had been created in Ontario since the last election and, to round out the feel-good image, a picture of Premier Harris, smiling and looking oh-so-sincere, proclaiming that 'The future's right here.'

"Ostensibly, the ads are to promote the province's education and training system, but there's not a word in them about programs, no phone numbers to call for more information, nothing about who might be eligible for assistance. Nothing except a message from good ol' Mike."

The Brantford Expositor editorial goes on to say:

"But that's not the only big advertising campaign going on at the moment. The Harris government has taken it on the chin for its handling — some would say mishandling — of the health care system. The government's response is a \$4-million television campaign designed to get the message out that 'sometimes change hurts.'

"Well, duh.

"And while all of these megabucks are going into advertising, there's the Premier and an entourage of ministers and assistants tooting around Ontario, going from hospital to hospital telling everyone how great things are. Why, they even stopped in Paris to talk about the good things going on at the Willett Hospital.

"However, it is curious that the visit was accompanied by an unusual amount of secrecy; hospital officials were ordered not to tell anyone, including their own employees, about the visit until just a few hours before the Premier was due to show up. Perhaps that's because the Premier didn't do so well during his last visit to Paris a few weeks ago when he was broadsided by a student asking some pointed questions about the education system. After all, the last thing you want during an election campaign is spontaneity.

"The opposition parties are up in arms over what they rightly say is a misuse of...funds to support the party in power. 'Mike Harris might as well just steal the money from taxpayers and put it in the PC Party bank account,' is what Liberal leader Dalton McGuinty said about it.

"Now, to be fair to the Tories, this is certainly not the first time that a party in power has engaged in such shenanigans.

"But when the Tories took office three years ago they set themselves up on a higher pedestal, promising fiscal rectitude and vowing to bring an end to pork barrel politics."

Bob Runciman must be thinking about that one because of the hospital. He got a jail down there in his riding. Anyway, I digress from the excellent editorial. It goes on to say:

"In fact, it was an essential ingredient in their whole strategy; convince Ontario residents that everyone had to share the agony of cutbacks and downsizing on the road to the Common Sense Revolution.

"But, as we see so clearly this week, the concept of sharing ends at Queen's Park. At the same time that school boards are closing schools, cities are cutting services and some municipalities are having trouble containing their tax increases due to downloading, the Harris government has managed to find millions to spread the word about how wonderful the Premier is.

"Maybe the Tory brain trust figures you really can fool all of the people all of the time.

"However, we have a higher opinion of the intelligence of Ontario voters and firmly believe that they will see this Tory spending spree for what it really is: a shameful and deceitful abuse of power."

That's the Brantford Expositor exposing and commenting on the blitz campaign by this government.

This would be a wonderful opportunity to share with my colleague the member for Scarborough-Agincourt and the deputy leader and the critic in the field of finance and economics some time to allow a few thoughts on his part on this particular motion.

1730

**Mr Gerry Phillips (Scarborough-Agincourt):** I wanted to talk on the motion. There are several areas of public policy that I think require significantly more airing and discussion and debate than the government's going to permit. Let me start with the property tax issue.

I think the public now are aware that since May 1997 we have had six property tax bills, six different pieces of legislation — here's one of them here, but there were six of them — dealing with property tax changes, and we are anxiously awaiting the seventh property tax bill. The government has announced they will be bringing one in to attempt to put a Band-Aid on the very significant problems that we have with property taxes out there right now.

**Mr Bradley:** We have a Band-Aid commercial.

**Mr Phillips:** That's a good analogy. Harris is showing the ripping off of the Band-Aid to try and put it back on to the property tax issue.

But I would just say to all of us, here we are now, there are about two months left in the municipalities' year, and they still don't know what they're supposed to do with property taxes. I don't think there's a municipality out there that's not laughing at the Legislature because we have had, as I say, six different property tax bills since

May of last year and now we're awaiting the seventh. Unless I miss my bet, what the government will plan to do here is introduce it so late that there will not be an opportunity for the public to have input into this.

When I say "the public," I tell you that the clerks and treasurers of the province of Ontario — these are the senior municipal civil servants; the top civil servants — have time and again told us we are messing up the property tax system.

As a matter of fact, for the first time I can ever remember, the municipal clerks and treasurers held a press conference here in the Legislature to warn Mike Harris about what was going to happen. I hope the members remember. It was back in June. The clerks and treasurers called a press conference, and they're very reluctant to do this because they are civil servants — they do their best to stay out of the political arena — but they got so frustrated they called a press conference and said, "Listen." Firstly they said, "What you are doing is causing administrative chaos and potentially financial ruin for municipalities."

They predicted all these problems and they had five solutions for Mike Harris, and he rejected all five of them. By the way, they were all moved in committee and turned down by the government members. If you had adopted those back in June, we would not be facing the problem we face today.

I'll spend a little time on property tax because I will just say to the people of Ontario that watching the process of this property tax legislative development is embarrassing and the people who are paying the price now are the taxpayers and the municipalities. But it is obscene, in my opinion, that we will get a property tax piece of legislation and we will be ordered to deal with it, with virtually no debate and no opportunity for the people who are going to be affected by it to have input into it, and that's what has caused the problem.

If you go back over the history of these six bills, soon to be seven bills, the problems were identified and the government ignored them. They simply wouldn't listen. I remember, and Hansard will show it, as we say around here, the very first day that Mr Eves debated his very first tax bill. He went through his first 20 minutes and then we in the opposition have an opportunity to comment. If you look back, the very first thing I said to Mr Eves was, "Listen, your property tax bill is designed to shift taxes off big business onto small business; it's designed that way."

As you know, the government eliminated something called the business occupancy tax, BOT, and the business occupancy tax was paid at different rates, depending on the type of business: banks paid at 75%, small business at 30%, generally speaking.

**Mr Bradley:** Who are the winners this time?

**Mr Phillips:** The banks. I said to the minister at the time, is this really your intention? Is this what you want to do, shift property taxes from the big businesses to small business? Essentially he said that we're moving on to a system that will, to use the jargon, level the playing field, and you'll find that in the Hansard. So I'm always surprised when the government says, "We've got to step in

and stop those municipalities from hammering small business, only we know best." Believe me, it was Mike Harris that created the problem, knew the problem was coming and refused to act on it.

I'll tell you a second thing we did, and again, if you look back in the record, we moved a motion here in the Legislature that would have ordered the cabinet, the government, to release what we call impact studies. It would have ordered the cabinet to release what is going to happen to property taxes when this bill is passed. Many people's background in this Legislature is business. You would never launch a completely new approach to your business without doing an impact study to find out what will be the impact of it.

The government refused to do it. As a matter of fact, the backbench members, you will find, voted against releasing these impact studies. Had we done that, had we taken the studies, which I guarantee you the cabinet had, and released them publicly, then people would have known. "Holy cow, this tax bill takes taxes up on small business and brings taxes down on big business. If that's going to be the impact, then let's find a way that we deal with it." I guarantee you, we would not have run into the enormous problems we're running into right now.

**Mr Bradley:** I can't believe how many bills.

**Mr Phillips:** My colleague says, "I can't believe how many bills." It is six bills, and in a matter of a few days, it will be the seventh bill.

I will also add a note of serious concern on the property tax bill and that was the decision last week made by the Supreme Court of Canada. I'll correct the record earlier in the Legislature, Mr Speaker, I said the Ontario Court of Appeal. It was actually the Supreme Court of Canada that made a ruling last week that, in my opinion, could have a profound impact on the property tax bill in Ontario and requires fixing.

Here is what the Supreme Court of Canada said, and it had to do with probate fees or estate fees. When someone passes away there is a fee that the province charges to process their estate. Depending on the size of the estate, it ranges from 0.5% up to 1.5%.

1740

What the Supreme Court of Canada said was the government of Ontario had acted improperly, that the fees that it was imposing were not fees, they were taxes. They ruled them, to use their language, invalid or illegal. They said that these fees were really taxes.

The fees were set by something called regulation, which means that it was the cabinet that made the decision, not the Legislature; never debated here in the Legislature. The way this works is that with the stroke of a pen at a cabinet meeting a new regulation is signed and these fees were imposed. The Supreme Court of Canada struck that down and said, "We are ruling that invalid or illegal."

For Ontario, it is at least \$400 million of revenue that the Supreme Court of Canada said you are not legally entitled to that. The government is going to have to do something about it.



But here's the important part, and that is that the property tax bills give the government the authority to impose property taxes by regulation. As a matter of fact, for businesses in Ontario, 60% of your property tax — take a look at it — is going to education. That rate is set not by the Legislature but by regulation.

**Mr Bradley:** Behind closed doors.

**Mr Phillips:** Behind closed doors, by regulation, by the cabinet. Homeowners should look at their tax bill. About a quarter of your tax bill is paid for education. That rate is set not by the Legislature but by regulation, behind closed doors.

The Supreme Court of Canada has ruled that taxes have to be set not by regulation but by the Legislature, and that's understandable. The public, I think, has a right, when their elected bodies are setting taxes on them, to have a say in that, to have a voice in it and to see that decision taken in full public view, where their elected officials are required to put their hands up and vote or stand and vote yea or nay for the taxes they are setting. Probably nothing is more fundamental than that, that taxes have to be set by an elected body.

But as you will remember, Mr Speaker, in one of the tax bills that the government has passed, this is what the property tax bill says: "The Minister of Finance will make regulations prescribing the tax rate for school purposes." That allows the Minister of Finance by regulation — and what that means is simply down the hall in the cabinet room — to sign a document to set the tax rates.

That's \$5.5 billion. If you look at the budget, the fourth-largest source of revenue for the province of Ontario is property taxes. That was much of the debate we had several months ago, as you recall. Personal income tax is about \$14.5 billion, retail sales tax is \$11.5 billion, corporate tax is \$7.6 billion, and then property tax is \$5.5 billion.

But it is all set not by a vote here in the Legislature but regulation.

**Mr Bradley:** That's going to have to change.

**Mr Phillips:** I've talked to lawyers who are saying, "Listen, that is very likely to be ruled unconstitutional, invalid." I personally know somebody who is looking a class action suit around this.

I asked the Minister of Finance today, "Have you looked at the legal ruling?" He actually gave an answer which indicated to me he hadn't looked it because, in my opinion, he was incorrect. But here we are, about to deal with the seventh property tax bill and perhaps the most significant thing hanging over the property tax bill is the legal authority to raise \$5.5 billion worth of taxes.

I might add as a side note that that decision by the Supreme Court of Canada I think could end up having an influence on far more than just the probate or the estate fees.

If you look at some of the other major fees that we have, just to give you an example of a few, Mr Speaker, the estate fees in the province of Ontario for 1998 were \$67 million. To me it's not impossible that we will face court challenges on the land registration services, and I

think perhaps even on some of the vehicle registration fees because many of those fees are really not fees, they are really taxes. For example, commercial vehicles are paying \$2,700 for a licence fee. The fee bears no relationship to the cost of dealing with the fee. It really is a tax.

The reason I raised it today with the Minister of Finance was, firstly, it's \$400 million. We've got six months to deal with that probate issue and, with the calendar that my colleague talked about, it sounds like we will not be getting legislation dealing with it this session. The House will break in the middle of December and we may not come back until the six months are up, so I would urge the government to move quickly on how they plan to deal with that. But I think more urgent is the whole issue of how the government is raising property taxes is now under a cloud as a result of that Supreme Court decision last week. So there's one issue that in my opinion we should be dealing with.

My colleague suggested that I stop at around five minutes on the clock. Fine, I certainly will do that.

My concern with the calendar with the motion we're dealing with is that we are not giving ourselves sufficient time to deal with what I will regard as the key upcoming issues, and one of them, without a question of a doubt, is going to be the property tax issue. Once again I think we are not going to be given the opportunity to fix the bill, the public's not going to be given the opportunity to have what any fairminded citizen would believe is necessary, and that is, for the people who are desperately affected by it to have their input. But of course now we're into the election. Everything around here has little to do with the process and much to do with the election.

We know that the government is spending \$42 million of — to use Premier Mike Harris's language — hard-earned, hard-working taxpayers' dollars. Remember, for every dollar of that, somebody has gone out and earned that dollar, reluctantly paid it to the government. Mike Harris figures: "Thanks for the \$42 million, folks. I'm going to spend it on" what any fairminded person would say is re-election stuff. It's just blatant, obvious misuse of taxpayer dollars. It's embarrassing — \$42 million of taxpayer money and it's clearly to re-elect Mike Harris.

As my colleague said, that's like 10 times the amount of money that the opposition will spend on the campaign. Mike Harris is going to spend using all taxpayer dollars.

In my opinion, all of the focus is on the re-election, none of the focus on the key issues, which should be trying to deal with legislation in a sensible and orderly fashion here.

**The Deputy Speaker:** Further debate? The Chair recognizes the member for Cochrane South.

**Mr Bisson:** Thank you, Speaker. I hadn't risen, but I appreciate being recognized nonetheless. Thank you for this opportunity to debate.

**The Deputy Speaker:** Thank you. Further debate?

Mr Turnbull has moved government notice of motion number 35. Is it the pleasure of the House that the motion carry? It is carried.

**Hon Mr Turnbull:** Mr Speaker, I seek unanimous consent to revert to motions and move a motion without notice with respect to evening sittings.

**The Deputy Speaker:** Is there unanimous consent? It is agreed.

## MOTIONS

### HOUSE SITTINGS

**Hon David Turnbull (Minister without Portfolio):** I move that, notwithstanding the order of the House dated

October 26, 1998, the House shall not sit this evening, and shall stand adjourned until Monday, November 2, 1998, at 1:30 p.m.

**The Deputy Speaker (Mr Bert Johnson):** Is it the pleasure of the House that the motion carry? It is carried.

It being almost 6 of the clock, this House stands adjourned until 1:30 of the clock Monday.

*The House adjourned at 1753.*



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Honourable Chris Stockwell**Président**  
L'honorable Chris Stockwell**Clerk**  
Claude L. DesRosiers**Greffier**  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 November 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 novembre 1998

*The House met at 1333.  
Prayers.*

### MEMBERS' STATEMENTS

#### SCHOOL CLOSURES

**Mr Rick Bartolucci (Sudbury):** Forget hunting season; it's school closing season in Sudbury and it opened with a vengeance, thanks to the poorly-thought-out funding policies of the Harris government.

On Sunday, the French-language Catholic school board met for seven and a half hours and managed to shorten the list of possible school closures from six to three. The fate of école Saint-Mathieu, école Saint-Pierre and école Léon XIII is now in the hands of the review process.

The reason for these possible closures is to try to cope with the new provincial funding formula that just doesn't provide enough money to boards. The Mike Harris government is refusing to fund our school boards adequately and refuses to address this board's \$2-million shortfall.

If that's not bad enough, the Sudbury English public school board has a shortfall of \$1.8 million for this year. As the superintendent of business said, there is going to be some consolidation, and the question is, which schools are going to close?

The English Catholic school board finds itself in a similar position. Under the government's formula they have 2,000 extra spaces, which translate into a possible seven school closures. How idiotic, how callous and how ill-conceived are the goals of this government for education. Their answer is to close schools, blame the boards and damn the teachers.

This government's 12-year-old mentality for governing has declared open season on our schools, and the people of Sudbury and Ontario won't allow it to happen.

**Mr Tony Silipo (Dovercourt):** I just want to put on the record a list of some of the schools in western Toronto that are in danger of being closed as a direct result of the actions of the Mike Harris government: McMurrich public school, Regal Road public school, Hughes public school, EarlsCourt public school, Dovercourt public school, Carleton Village public school, Palmerston public school, Shirley Street public school, Brock Avenue public school, Ossington/Old Orchard public school, F.H. Miller public school, Heydon Park secondary, Parkdale Collegiate Institute, Humewood Community School, J.R. Wilcox Community School, D.B. Hood Community School,

George Harvey Collegiate, R.W. Scott, St Alphonsus Catholic school, St Peter Catholic school, St Raymond Catholic school, St Rita Catholic school, St Josaphat Catholic school — 22 schools just in west-end Toronto alone of the 160 schools throughout the new city of Toronto that are under threat of being closed by the actions of the Mike Harris government.

It should not surprise Mike Harris, Dave Johnson and members of the Tory government to have learned through their research and polling that most Ontarians believe that the government's motive in education reforms is cost-cutting. What I want to say to the government is, realize that and reverse your course rather than spending millions of dollars to try to change people's minds or to try to tell people they're wrong when they say what you're doing is cutting, cutting inordinately and cutting inappropriately in our school system. Change your course, not your message.

#### MICHAEL AND MATTHEW MCLENNAN

**Mr Frank Klees (York-Mackenzie):** Several weeks ago I had the pleasure of introducing to this House Matthew and Michael McLennan of King City, who were representing Canada at the World Age Group Trampoline Championships in Sydney, Australia. These two young men returned home on October 20 after competing on behalf of our province and our country on the world stage.

Matthew and Michael distinguished themselves in competition, with Michael finishing sixth overall in the individual 15-to-17 age group and fourth in the 15-to-17 age group for synchronized trampolining. Matthew finished 15th in a field of 50 competitors in his individual age group.

In the year 2000, Sydney will host the Olympic Games, where trampolining will be recognized for the first time as an official Olympic sport. Matthew and Michael have their sights firmly set on the Canadian team of 2004. That is another six years of training, and I must once again pay tribute to the support of the families of these Canadian athletes who give so freely. Until you rank among the very top in overall competition in this sport, there is no available funding.

The young men and women who train at the Skyriders Trampoline Place deserve our support and recognition for their enthusiastic pursuit of excellence.

Finally, their coaches, Dave Ross and Angelo Despotas, deserve our thanks for their tireless efforts on behalf of our young athletes as they pursue their dreams of Olympic gold.



## ALBERT BOURDEAU

**M. Jean-Marc Lalonde (Prescott et Russell):** La semaine dernière, la région de Prescott et Russell a perdu l'un de ses concitoyens les plus indispensables et remarquables. Monsieur Albert Bourdeau, âgé de seulement 59 ans, a perdu la vie à la suite d'une crise cardiaque, mais son dévouement et son engagement auprès des organismes de sa région demeureront ancrés dans la mémoire de tous ceux et celles qu'il a assistés.

Époux de Marie-Berthe Lavigne, ancien sous-préfet du canton de Russell, gérant administrateur du Centre Urgel Forget d'Embrun, président de la Commission de logement de Prescott et Russell et membre à vie de l'Association ontarienne des loisirs municipaux, Albert Bourdeau a mené une vie distinguée. Il fut un bénévole inépuisable, engagé dans de nombreuses activités communautaires, dont celles destinées à la jeunesse. Son sens de communauté l'a influencé dans tous ses projets, particulièrement les rénovations de l'église de la paroisse Saint-Jacques d'Embrun. Son approche chaleureuse et respectueuse lui a permis d'accomplir tout projet. Il fut l'institution de sa communauté.

Albert Bourdeau fut une pierre précieuse. Son travail et sa générosité ont surpassé les frontières de sa communauté. L'annonce de son décès laisse un grand vide dans le cœur des résidents des huit municipalités des comtés unis de Prescott et Russell.

1340

## SCHOOL CLOSURES

**Ms Marilyn Churley (Riverdale):** I spent the week-end, both Saturday and Sunday, in my community, out with parents with petitions for only two of the 11 schools that are on the hit list caused by this Tory government's education cuts and policies. For the record, some of these schools are Dundas Junior, Leslieville Junior, Pape Avenue, Earl Grey, Bruce, East York Alternative, Eastdale Collegiate and Greenwood, as well as Holy Name, St Anne and St William separate schools. There is also the First Nations school which will be affected, and the special Afrocentric program in Eastdale.

The potential closing of those schools has very wide-ranging effects in our community. They not only hurt the students who go there but they hurt daycares, ESL classes, breakfast clubs, lunch clubs, programs for a lot of low-income people and a lot of community programs. The community around those schools will be devastated if those schools are closed.

I want to say today that we are fighting as a community. The schools refuse to play the game of one school being pitted against the other. I would ask the government today to stop its scaremongering and to sit down with the people who have looked at this formula to try to work this out. The formula doesn't work. Please change it.

## QUILT EXTRAVAGANZA

**Mr John O'Toole (Durham East):** Today, November 2, marks the beginning of a very special event in my riding of Durham East. The Durham Trillium Quilter's Guild will be holding its Quilt Extravaganza this week from November 2 to 7.

Over 200 handcrafted quality quilts will be on display throughout my riding, at Camp Samac and Port Perry, and the town of Bowmanville will be featuring a unique quilt heritage tour and show. In my constituency office, a beautiful handmade quilt featuring the provincial flowers from across Canada will be on display. This quilt is valued at \$15,000. I'm proud, on behalf of my constituents, that one of these quilts will be featured in this display in my constituency office.

Carole Gould, a small business owner in my riding, is directing the festival. Her store, Gould's Card and Gift on King Street in Bowmanville, will be just one of the many displays during this week.

This is a very active group of non-profit volunteers who donate quilts to the Canadian Cancer Society, Lakeridge Health Corp and Denise House for abused women.

The extravaganza has planned a full week, including a display at the Bowmanville Museum, a heritage tour of town, a display at Ocala Orchards and Winery, as well as exhibits at the visual arts centre and Archibald's Orchards and Estate Winery, and a luncheon at St Paul's United Church. This is only a brief look at what is scheduled for the week.

I wish to thank the organizers and volunteers for this week, especially Carole Gould, Alice Carnegie, Joyce Hancock, Marilyn Martin and Betty Blaker, among others who have promoted —

**The Speaker (Hon Chris Stockwell):** Thank you.

## SCHOOL CLOSURES

**Mr Dwight Duncan (Windsor-Walkerville):** I was reviewing clippings from the last election. Do you remember what Mike Harris said? Their cuts weren't going to affect the classroom. You know what? He wasn't kidding. They're not affecting the classroom; they're affecting schools, hundreds of schools right across this province.

In my community, Harrow District High School, Forster, Walkerville, W.D. Lowe — they're all on the block. None of them should be on the block. Western Secondary School.

What's it all about? It's about tax cuts. It's not about good education; it's not about healthy education; it's not about lower class sizes. It's about money. It's about broken campaign promises. This government is closing close to 600 schools throughout Ontario, and they're trying to blame the trustees. We have their communication strategy here, the communication strategy that's going to try to lay it out on someone else.

**Mr Richard Patten (Ottawa Centre):** Blame the boards.

**Mr Duncan:** Blame the boards; that's right. You blame the boards right across Ontario.

They are calculating their funding formula on a square footage basis. Does anybody know the only other organization in this country that does that? The correctional service of Canada. That's who calculates it: the correctional service of Canada and Mike Harris's education bureaucrats and this government. The people of Ontario know it's Mike Harris and every Tory member across this province who are closing schools. You'll pay the price next spring.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Order. You are not to applaud in the galleries, by the way.

Member for Hamilton Centre.

**Mr David Christopherson (Hamilton Centre):** I would point out, first of all, that my community —

*Interjections.*

**Mr Mike Colle (Oakwood):** What about the kids in the schools?

**The Speaker:** Order, member for Oakwood. Do you want to restart the clock?

**Mr Christopherson:** Thank you, Speaker. I would point out at the outset that my community of Hamilton-Wentworth, like all the other communities that are being mentioned this morning, is being devastated by the list of school closures, over 40 of them region-wide potentially to be closed.

I would also say that because our public school board is standing up to this government and saying no, they won't shut down that number of schools in a matter of weeks, we're going to be penalized to the tune of millions of dollars every year for 25 years. That is in addition to the continuing crisis around the property tax increases. The government thinks they've solved this with their capped percentages, but that's not doing it; that's not solving all the problems.

What do we hear in Hamilton from our four Tory MPPs, the government backbenchers? "Our local government hasn't cut enough. The problem is bad management. You folks haven't done enough."

Let me point out that our councils have cut out \$50 million a year, and these members sit here, high and mighty, thinking that just because they are MPPs, suddenly they know better than anyone. Not a one of them has sat on a school board, on a regional council or a city council or at a cabinet table and made the tough decisions and faced the public.

I say to them, you want to review line by line in Hamilton-Wentworth? Come on in. Publicly sit down with the books and you tell the community what services you're prepared to cut to maintain and pay for Mike Harris's 30% tax cut. Come on in and do it in public. You do the job.

**Mr Peter L. Preston (Brant-Haldimand):** The bureaucracy, yes, I will.

**The Speaker:** Member for Brant-Haldimand, can you come to order, please.

## ST AGNES PEACE GARDEN

**Mr Jack Carroll (Chatham-Kent):** As the students and staff of St Agnes school in Chatham-Kent watch on TV, I rise today to salute them on their success in building a peace garden.

The peace garden program includes 500 schools across Canada, with 200 gardens in Ontario. This garden serves as an outdoor classroom to teach our young students the civic virtues of care for public property, honesty, civic pride, and love of nature and one another.

The garden features quotes from famous individuals, including Winnie the Pooh and Charlotte of Charlotte's Web. Although the St Agnes Peace Garden is only a little over a year old, it has been the recipient of many environmental awards.

Perhaps this garden will not only teach our children but will remind us as adults what should be most valued. Recently in my community of Chatham-Kent, during our harvest festival, the students of St Agnes donated food which they had grown to the Women's Centre and Transition House. The students are showing us that peace and community fellowship are something we should all work at. I look forward to meeting with them this Remembrance Day.

For their efforts, I would like to congratulate the students and faculty of St Agnes for establishing such a beautiful natural habitat. I also congratulate Larry Kearns of St Agnes, who got the project started, and the organizers of the international peace garden program, two of whom are with us today: Julia Morton-Marr, president of the International Holistic Tourism Education Centre, and Janice Olton, board member of IHTEC.

Maybe someday every school will have a peace garden.

## INTRODUCTION OF BILLS

### SOCIAL WORK AND SOCIAL SERVICE WORK ACT, 1998

#### LOI DE 1998 SUR LE TRAVAIL SOCIAL ET LES TECHNIQUES DE TRAVAIL SOCIAL

Mrs Ecker moved first reading of the following bill:

Bill 76, An Act to Establish the Ontario College of Social Workers and Social Service Workers / Projet de loi 76, Loi créant l'Ordre des travailleurs sociaux et des techniciens en travail social de l'Ontario.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

## MOTIONS

### HOUSE SITTINGS

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that,



pursuant to standing order 9(c), the House shall meet from 6:30 pm to 9:30 pm on November 2, 3, 4 and 5, 1998, for the purpose of considering government business.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

1350

#### COMMITTEE SUBSTITUTIONS

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** I move that the following changes be made to the standing committees: on the standing committee on government agencies, Mr Cullen be removed and Mr Gerretsen be added; and on the standing committee on social development, Mr Cullen and Mr Barrett be added.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

I declare the motion carried.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

##### REGULATION OF SOCIAL WORKERS

**Hon Janet Ecker (Minister of Community and Social Services):** Earlier today I introduced the Social Work and Social Service Work Act, 1998.

The purpose of this legislation is to establish a regulatory college for social workers and social service workers. If passed, it will accomplish two key objectives: to provide recognition to this important profession and to ensure that the public is receiving quality services.

If passed, this bill will provide enhanced support for public protection. Thousands of vulnerable children and adults receive services from social workers and social service workers every year in this province. They, and we, need to know they are receiving help that meets the highest ethical and quality standards possible.

As members know, last week I introduced important amendments to the Child and Family Services Act. The legislation I am introducing today fully supports the directions we are taking to reform the child protection system. A self-regulating profession will help to raise the skills of child protection workers and it will ensure that vulnerable children receive the best care possible.

The Social Work and Social Service Work Act fills a void that has existed for too long. Ontario is the only jurisdiction in Canada without legislation covering social work. For many years, the Ontario Association of Social Workers and, more recently, the Ontario College of Certified Social Workers, have both argued for legislation to recognize their profession. This government agreed and the Premier committed to grant legislative status to the

profession. Today we are able to identify yet another promise made, and kept, by this government.

I would like to provide members with a brief outline of the purposes of this bill. The legislation would establish a self-funding and self-governing College of Social Workers and Social Service Workers. College membership would be required for any person in Ontario who wants to use the title social worker or social service worker.

The proposal to designate the two groups within this legislation — social service workers as well as social workers — warrants specific emphasis. The inclusion of social service workers puts Ontario in a leading position in comparison to other Canadian jurisdictions. It would expand significantly the number of practitioners subject to a code of ethics and standards of practice.

The proposed College of Social Workers and Social Service Workers would be governed by a council of 21 members. There would be equal representation from both professional sectors covered by the bill, as well as from members of the public appointed by the government.

The proposed college would support quality assurance, accountability and professional excellence within the profession. This includes establishing professional and ethical standards, as well as a process for handling discipline and complaints. There would be a publicly accessible register of all college members.

This bill is another of the many steps this government is taking to improve the effectiveness of our social and community services system and to protect and assist vulnerable people throughout this province. This legislation is in the interests of the members of the profession, of those they serve and of the people of Ontario.

I want to thank the staff and all of the groups whose input and time were invaluable in drafting this legislation, and many of them are here in the gallery to see this event today. They have worked very long and hard in the interest of their profession and we will continue to rely on their expertise. The experience of the Ontario College of Certified Social Workers will serve as a valuable knowledge base on which to build.

##### WIFE ASSAULT PREVENTION MONTH

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** I am pleased to have this opportunity to speak about the serious issue of wife assault and about the serious need to work to prevent it from happening. This is the 13th year the government of Ontario has designated November as Wife Assault Prevention Month.

We need to continue to work so that no woman lives in an abusive relationship and no child witnesses wife assault. Every abused or assaulted woman needs to know there is help available, and we support and care for women who have been abused or assaulted. They need access to the supports and services that will help them.

After extensive consultation, we responded with our Agenda for Action in July 1997, after some seven months. It is the first province-wide strategy aimed to provide

coordinated and seamless services across nine ministries for abused and assaulted women. It encourages local solutions and emphasizes the importance of building on community-based and specialized programs and services, services that women can depend on in times of crisis and during their contact with the justice system. The strategy is supported by three key themes of flexibility, coordination and partnership.

This year our government is implementing more than 20 new initiatives to further strengthen our safety and justice system responses and to support women and their children. The Ministry of the Attorney General is implementing its safety first audit to review the way police, shelters, victim/witness assistance program staff, crowns and cultural interpreters respond to women in crisis. Representatives from various sectors, including front-line providers, will review each and every point of contact to make sure the safety of women and their children in the system remains the number one priority.

The Ministry of the Attorney General will also pilot a program to provide specialized legal services for women who are leaving abusive relationships. This program will ensure that women can obtain protection orders, court-ordered mediation on family issues and interim custody and support orders. We must do better.

This year we are expanding cultural interpreter services to all of the domestic violence courts so that women of different cultures have full access to the courts. The Ontario Women's Directorate is leading two pilot projects to help women move from abuse to economic self-sufficiency through the Building Opportunities for Women initiative, to begin their new lives.

Our public education campaigns that raise awareness of violence against women issues are key to promoting violence prevention. To raise awareness of the issue of wife assault among the widest audience possible, we will air television public service announcements that capture the effects of wife assault and emphasize how none of us ignore this issue.

To raise awareness among our young people, we are working with our community partners and producing videos and teachers' resource materials for use in their very own schools and for teacher training, such as Peace Breaks, a series on violence prevention for eight- to 12-year-olds, and You Oughta Know: Teens Talk About Dating and Abuse, for use in our secondary schools. This builds on our successful resource, the Joke's Over, to stop the seeds of violence in our communities.

In partnership with community experts, we have produced resource materials for women and service providers on issues of violence, such as the resource The Guide to Services for Assaulted Women in Ontario that we produced in partnership with Community Information Toronto, and we have worked with other partners, such as the Ontario Human Rights Commission, you will remember, to educate on the various forms of violence. Last May, we launched a sexual harassment public education campaign that included transit ads and posters.

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Our government will not tolerate violence against women.

This government is fully committed to the rights of all Ontarians not just to be safe but to feel safe in their communities, in their workplaces and in their homes.

On July 2, the coroner's inquest into the deaths of Arlene May and Randy Iles ended with the release of more than 200 recommendations made by the jury.

As individuals, as a society and as a government, we all have a responsibility to end domestic violence. Ontario is taking a leadership role in protecting women from domestic violence. We've been actively implementing the May-Iles jury recommendations. We have already implemented, or are in the process of implementing, a majority of the recommendations, and we will continue to implement changes to ensure the safety of women and children in our communities.

The Attorney General is setting up a joint government-community committee to provide the government with expert advice on how to make the necessary changes to help victims of domestic violence and to eliminate this crime. This committee will be chaired by provincial court judge Lesley Baldwin.

We are continuing to work with everyone who wants to help us stop the violence. To ensure we get results, we are doing everything we can to improve the justice system, the crisis intervention systems and the necessary education and prevention to help abused women and their children.

During Wife Assault Prevention Month, we will continue to visit women's centres and other community service providers to speak to those women who are using our services. Their concerns are our concerns.

Finally, I urge everyone to accept personal responsibility to work towards ending violence against women and their children. We will ensure that we will continue to provide support and care to women and children who are victims of violence. Our government will continue to lead the way and work with all of our community, volunteer and private sector partners.

#### REGULATION OF SOCIAL WORKERS

**Mr Gerry Phillips (Scarborough-Agincourt):** I respond to the Minister of Community and Social Services just to say, particularly to the social workers and the public, that we in the Liberal caucus are very supportive of a legislative framework for the social workers of Ontario, very supportive of the establishment of a self-governing college, very supportive of including social service workers, which I think is a provision in the bill.

I would just add, to the public, that this is subject of course to looking at the specifics of the bill. We've got experience here of what looks like a good idea gone bad when we actually see the legislation. For your information, we've had six bills on property tax reform here since May of last year, in 18 months, with a seventh bill coming in the next few weeks. As I say, we're very supportive of



the principle and we look forward to examining in detail the specifics of the bill.

#### WIFE ASSAULT PREVENTION MONTH

**Mrs Lyn McLeod (Fort William):** I did not think the minister responsible for women's issues would rise to acknowledge Wife Assault Prevention Month without responding to the recommendations of the inquest into the death of Arlene May. Today she has barely acknowledged the 213 recommendations from that inquest, and the response to it is less than minimal. It's absolutely incredible that the government would not take more seriously the recommendations made by a jury that looked into what they described as "the tragic and preventable death of Arlene May" and made recommendations that they hoped would prevent similar tragic deaths in the future.

It's four months later, and we have this less-than-minimal response from the Harris government; four months, and eight more women who have been murdered in that four months, where charges have either been laid against their partners or their partners have subsequently committed suicide. This is not just shameful, this is a tragic lack of response from your government.

One of the recommendations which could have been acted on immediately, and the coroner's jury said, "Act on it immediately," was to set up a committee to begin to implement the recommendations. You've set up a committee, which you mentioned towards the end of your statement, but there's no mandate set out, there's no indication of the representation, and there's certainly no sense that its role is going to be to implement the 213 recommendations of the inquest into Arlene May's death.

There is so much that could be done immediately and we have seen so little action. The jury, for example, said there should be more rigorous charges against abusers who break restraining orders. The only kind of response we've seen from your government in the last month and a half is to finally reverse the 1996 decision that had women actually having to serve court orders on potential abusers, and the only reason that was reversed was because there was a woman who was actually run over by her estranged husband while trying to present him with a court order.

We have two justice bills in front of the Legislature right now, the courts administration act and the Legal Aid Act, both of which deal with administrative restructuring. There would have been plenty of time for the Attorney General to give very clear guidelines to the courts in terms of not granting bail when a peace bond or a restraining order has been broken. That could have prevented deaths, Minister.

Would it be too much to expect your government to take immediate action on that? Would it be expecting too much for your government to have at least set in place a meaningful committee, if not immediately, at least now four months later, and given it a mandate to look comprehensively at those 213 recommendations that might prevent tragic deaths in the future? Would it be too much to expect that shelter houses, for example, OAITH, might

have representation on the committee, that this government might reach out and welcome the concerns, the knowledge, the expertise of those people who are saying to you, "We need to take action to make sure that women can escape from abusive situations"?

Maybe the reason you're hesitant to put in place this committee and to have it truly representative is that you won't have to deal with the financial implications, because undoubtedly some of those 213 recommendations would involve some financial obligation on the part of the government, maybe even replacing the 5% that you've cut from women's shelters that provide that kind of emergency shelter. Maybe there would have been a requirement that, instead of just changing the administration of legal aid, you actually do something about the fact that there has been something like over 40% cut in legal aid certificates available to women in domestic cases and custody cases, so that they're not even able to get before the justice system with adequate representation.

Minister, the message —

**The Speaker (Hon Chris Stockwell):** Thank you. Responses, third party.

**Ms Marilyn Churley (Riverdale):** Pauline May, the daughter of Arlene May, said this after the recommendations from the inquest came down: "I'm hoping" the recommendations "help someone else out in the future. Unfortunately, it took my mother's death to open people's eyes and realize there needs to be change."

The announcement by the minister responsible for women's issues today did not deal, once again, with those recommendations. I have no quarrel with, in fact I applaud, some of the initiatives she's taking today. All governments for a very long time have been putting money into these particular areas. The fact remains that this government has cut almost \$10 million from shelter and second-stage housing since it came into office.

One of the key recommendations from the inquest was that shelter funding be reviewed and that money be put back into shelters, and also that additional front-line services be created for abused women and child witnesses. We have heard nothing about that today. After my leader and I asked repeated questions in this House about setting up this stakeholders' committee and the fact that women in some cases had to serve their court orders on their very abusers themselves, we finally got some response from the Attorney General on that.

But today there are very vague suggestions in her statement that they are moving on most of the recommendations. Minister, tell us what recommendations out of the 213-odd; tell us who are the front-line stakeholders you have asked to be on this committee, after we asked repeatedly in the House that it be done because eight more women have died. Who are they?

I have heard today, for instance, that OAITH has not been invited to sit on this stakeholder committee, that the francophone women's committee has not been invited to sit on it, that the Older Women's Network has not been invited to sit on it, that the DisAbled Women's Network

has not been invited to sit on it, that women in the shelter area have not been invited at all to sit on it.

This is outrageous. We want the minister to stand up today. It seems they're going ahead now, putting this committee together in secret. There are a whole bunch of stakeholders who are critical. OAITH was one of the two groups from the shelter sector that had standing at that inquest. I have been told they have not been invited to sit on it.

I say to the ministers today, if you're going to set up this committee, do it right. Make sure you have the representation that shows the diversity of the province.

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I ask as well that we hear from the government what recommendations they're acting on since these over 200 recommendations came on. We want to know what they're going to be doing about child care spaces, more and more of which are disappearing. We want to know what they're doing to help people with their rents since rent control disappeared, and given the fact that they've pulled out of social housing.

The safety nets have been pulled out from under women who are involved in domestic abuse, and we want some real answers to this crisis. We didn't hear anything about that today, so later I will be asking both ministers involved what are the answers to these questions that we're demanding. Women who are involved in domestic violence in this province deserve the answers today from this government. We want to see real action.

## REGULATION OF SOCIAL WORKERS

**Mr Peter Kormos (Welland-Thorold):** To the Minister of Community and Social Services, I want to say that we welcome the introduction of this legislation today.

We find it especially interesting that it embraces not only BSW and MSW graduates but, because of the inclusion of social service workers, would appear to embrace community college graduates as well. Our position here in the New Democratic Party is that it's imperative that social service graduates from the community college system be recognized for the important and increasing role they play in agencies and across communities.

The minister also made note of her amendments to the Child and Family Services Act. She should recall and she should be reminded of what was told to her after those amendments were introduced by social workers and family and children's services agencies across Ontario: that if you don't fund those agencies and provide for adequate levels of staffing by trained, skilled social workers and social service workers, all of the best-laid plans will go astray, and that it's incumbent upon you to provide adequate funding for those people so that they can achieve the job that you expect them to and that the community wants them to.

**Mr Rick Bartolucci (Sudbury):** On a point of order, Mr Speaker: It's such a rare occasion when we have the Premier, the Deputy Premier and 16 cabinet ministers in the House, I am seeking unanimous consent for second

and third reading of Bill 64 today, which is An Act respecting Accountability for Ministerial Travel. I'm seeking unanimous consent.

**The Speaker (Hon Chris Stockwell):** Agreed?

It's time for oral questions.

## ORAL QUESTIONS

### GOVERNMENT ADVERTISING

**Mr James J. Bradley (St Catharines):** My question is for the Premier, the man who likes to characterize himself as the axeman or the tax cutter, the cost cutter. Premier, you have launched yet another barrage of partisan propaganda ads at taxpayers' expense, trying to justify the slamming shut of the doors on hospitals despite your solemn promise not to do so, and trying to convince people that the damage you are doing to our education system and the disruption and discontent you are inflicting are supposedly improving education in this province.

At a time when you are closing community hospitals, at a time when morale among our educators and health care workers has sunk to an all-time low as a result of your axe-wielding policies, at a time when you're closing hundreds of community schools, how can you, the self-anointed, self-appointed Taxfighter and cost cutter, justify squandering millions of dollars on yet another set of self-serving, clearly partisan television commercials whose only purpose is to try to get you re-elected as Premier of this province?

**Hon Michael D. Harris (Premier):** I think the member is quite right that when you have the courage to stand up and make the difficult decisions, to restructure the health care system after 15 years of your party and the NDP talking about it and sitting on your duff doing nothing, when you work hard at getting resources away from the fat bureaucracy in education and into the classroom, when you work hard at improving standards and quality of education, there are changes, of course, that have to be made. They're not always easy; they do affect some people. You would agree with us that even though we don't spend nearly as much as your government did, communicating those changes is an important job for the government to do.

**Mr Bradley:** Any pretence that these TV and radio commercials, newspaper ads and glossy pamphlets are non-partisan and simply informative is blown away by the leaking of a secret government document outlining your so-called creative and copy strategy. It reads as follows:

"Our creative must influence both the hearts and minds of our target audience. To be effective, our advertising must leave the target audience feeling comfortable with trusting the Mike Harris government with Ontario's education system. The emotional impact of our advertising is perhaps even more important than the content of the copy. The audience will be far more likely to sympathize with



our message if it is presented in shades of grey, not as black and white....

"To be successful, our creative must be so straightforward and realistic as to completely evade the public's 'political propaganda' meter. The audience must feel that the ads are informative and helpful....

"It should be designed to increase the level of trust that the audience has in our government with respect to managing the education system....

"The general concept for this phase of our campaign is quite obvious."

Premier, how can you, with a straight face, with any semblance of honesty, say that your TV commercials are anything but a political propaganda campaign and a waste of taxpayers' money?

**Hon Mr Harris:** I'm not sure, but I think you're reading from a memo that I believe the NDP released today. There was one that was the musings of a junior staffer in my office, but I don't know whether that was the same memo that was in Premier Peterson's office or the same memo that was in Premier Rae's office. When I look at the Liberal agenda from 1985 to 1990, I don't know why you spent so much money advertising, because you didn't do anything.

But I think very clearly that you would agree and the NDP would agree, and I think the public would agree, that this has been a very action-oriented government and it's important that we communicate what we're doing and why we're doing it to the taxpayers. We do it more efficiently and more effectively than you do, on the other hand, and we spent less, I think, over the history of our government than your government did.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mr Harris:** But clearly managing change and making the difficult decisions to improve the quality of education, to set new standards —

**The Speaker:** Thank you. Final supplementary.

**Mr Bradley:** Obviously there's one rule for the Mike Harris government and one rule for the people of Ontario. You chopped funding for virtually every program in this province but not for your government advertising, for you, Mike Harris. You will not provide funding to keep our community schools open, but you will spend recklessly on political advertising.

The Brantford Expositor probably put it best. It said:

"At the same time that school boards are closing schools, cities are cutting services and some municipalities are having trouble containing their tax increases due to downloading, the Harris government has managed to find millions to spread the word about how wonderful the Premier is. Maybe the Tory brain trust figures you really can fool all the people all the time. However, we have a higher opinion of the intelligence of Ontario voters and believe that they will see this Tory spending spree for what it really is, a shameful and deceitful abuse of power."

Premier, will you assure the people of Ontario that you are not about to launch yet another advertising campaign, on school closings this time, and will you do the right

thing and have the Conservative Party reimburse the taxpayers of Ontario for your self-serving, squandering television ad campaigns?

**Hon Mr Harris:** I think the member will be aware of the amount of dollars his government spent, even with indexing for inflation. We have spent considerably less than that communicating the changes we're making.

We are communicating, as you have indicated, in health care and in education a number of things we're doing. For example, we're communicating the fact that we're creating 20,000 new long-term-care beds at a cost of over \$1 billion. We had to do this, quite frankly, because the Liberals when they were in office froze the number of beds in the province. So it is important, because these are taxpayer dollars that we're spending. I think it's very important, even albeit at a much reduced advertising budget from the squandering Liberals and the NDP, that we communicate those positive changes that we're making in health care and education.

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## SCHOOL CLOSURES

**Mr Mike Colle (Oakwood):** My question is for the Premier. As you know, as a result of your school closing formula, over 159 schools in my city face closure. Over 20 schools in my general community of west Toronto face closure. People have asked me over the weekend to ask you directly, do you know what — I know you're laughing now and it's funny to you, but I'll tell you, there are a lot of children who are crying. There are a lot of parents who are distraught. They're saying: "Does the Premier know what he's doing to my neighbourhood? Does he know that a school is more than bricks and mortar? Does he know that he's ripping the heart of my neighbourhood right out?" Schools are more than just bricks and mortar; they're drop-in centres, they're daycare centres, they're seniors' centres.

Mr Premier, will you come to your senses, scrap your school closing formula and leave us alone?

**Hon Michael D. Harris (Premier):** I think that's for the Minister of Education.

**Hon David Johnson (Minister of Education and Training):** I agree with those parents that schools are important in communities. That's why this government is not closing schools. The Toronto school board —

**Mr Colle:** You are closing them.

**The Speaker (Hon Chris Stockwell):** Member for Oakwood, come to order.

**Hon David Johnson:** Frankly, I consider this list in Toronto to be outrageous. In an endeavour to try to help the Toronto board, I have suggested they look at three alternatives:

(1) In terms of the amount of administrative space they have, they have far too much administrative space. They could save millions of dollars.

(2) In terms of the way they run and operate the space that they do have in the schools, they are far more expensive than either the Toronto Catholic board or the other

boards across Ontario. They could save millions and millions of dollars and keep those schools open, as we are suggesting they do, by being more efficient.

(3) Why not attract more community uses into their schools to assist in terms of the operation of the schools that are there today? They can attract either the other board or other community uses to help pay for the expenses and keep those community schools open.

**The Speaker:** Supplementary.

**Mr Gerard Kennedy (York South):** Minister, I'm here to ask you if that glib nonsense is the best the people of Toronto can get. Your Premier tries to talk about being courageous. If you're being courageous, you'll stand up today and say you're closing schools in Toronto.

You're offering the Toronto board \$3.50 per square foot. You're closing places like Lambton school, which has only been open for five years. I want you to stand up and explain to Susan Fowlow, who is disabled and in a scooter and a wheelchair, where she's going to send her kid who has learning disabilities. It's taken her two years to find a program that would fit. You're wiping all of that out. You're wiping out three other schools in the exact same area. You're going to close King George school and you're going to close Warren Park. Where are those students going to go?

Minister, it's not good enough for you to sit there and shrug. It's not good enough for you to sit there and say you don't care. People in Toronto want to know why you've picked this funding formula, which is biased against the schools of Toronto, which doesn't allow for daycare, which doesn't allow for the old schools that they have to deal with.

Will you come and debate with me at King George school on Wednesday night, stand up and be accountable, be courageous and stand behind what you're doing to schools in Toronto?

**Hon David Johnson:** It's too bad that the Toronto board is dragging communities and parents through this process, which I think is highly unnecessary. If the Toronto board was to operate at the same efficiency as the Catholic board right here in the same city, they would save over \$50 million and the Toronto board would not have to close any schools. This is what I'm telling the Toronto board to do. I'm asking the Toronto board to look at their administrative space, to look at how they run their schools, to look at other opportunities to share in the running of the schools before they disrupt one student, before they close any schools, before they disrupt any of the community schools here in Toronto.

**The Speaker:** Final supplementary.

**Mr Alvin Curling (Scarborough North):** Mr Minister, in my riding of Scarborough North you're closing five schools because of your formula: Agincourt Junior Public School, Anson Taylor, Henry Kelsey, Dr Marion Hilliard, St Ignatius of Loyola. It is well known that Scarborough North is the fastest-growing community in Ontario. It is the most diverse, multilingual community in the country and it needs these schools to maintain its unique character which makes up Scarborough.

When you close our schools, you're not simply taking away buildings, you are denying a community a great sense of identity. It's a facility that houses far more than the academic learning you think is there. It's a place where students and parents can take great pride in what they achieve. When you shut down a school, you're shutting down a community.

Mr Minister, do you even care what happens to a community or are you just concerned about your blessed old bottom line and people can go to hell as far as you're concerned as long as you talk about saving money?

**Hon David Johnson:** I think it's a shame that the Toronto board is dragging communities through this, but I will say I have confidence in these communities to stand up against the Toronto board and insist that the Toronto board not close these schools.

The Toronto board is threatening to close schools. The provincial government, for its part, is setting standards for education, setting quality standards, improving the curriculum, implementing a new report card, implementing province-wide testing. That is what the provincial government is doing, in addition to offering advice to the Toronto board on how to keep those schools open.

I hope they take the advice of the Ministry of Education, take my advice, look at their administrative costs, look at how they run their schools and look at additional community uses within their schools to keep those schools open, because that's what we want.

1430

#### GOVERNMENT ADVERTISING

**Mr Howard Hampton (Rainy River):** My question is for the Premier. This is your leaked propaganda strategy and it gives us the details of your campaign. It also tells us that you know the people of Ontario don't believe your propaganda campaign. People know that your real agenda is to take money out of our schools. People know that your real agenda in closing schools is to get that money out. People want you to stop attacking teachers and stop attacking our schools and try to bring people together to work together. It also reveals that that is not going to be your strategy. Your strategy is going to be to spend more money trying to brainwash people.

Premier, can you tell us how much more money you are going to spend trying to brainwash people across Ontario into believing that it's going to be good for them to close their neighbourhood school, good for them to close their community school? How much more money are you going to spend?

**Hon Michael D. Harris (Premier):** I'm surprised at the preamble. It's not my leaked document. I didn't leak it and it's not my document. From what I understand, though, there was a document that —

**Mr David Christopherson (Hamilton Centre):** It is not his letter, not his government.

**Mr James J. Bradley (St Catharines):** He doesn't know anything about it.

**The Speaker (Hon Chris Stockwell):** Order. Premier.



**Hon Mr Harris:** That being said, I understand there is a memo that indicates somebody, I believe it was a junior staffer, in my office — I'd like to communicate that —

**Mr Christopherson:** Junior staffer. Bet they feel good about that.

**Mr Bradley:** Since when is Guy Giorno a junior staff member?

**Hon Mr Harris:** I haven't seen the memo or read through it, but I understand that it indicates we need to do a better job of communicating, because our agenda is not about cutting spending, as you very well know, it is about more money in the classroom, it's about creating new quality education standards, it's about spending close to \$600 million more in the classroom. Clearly you have indicated to us and the Liberals have indicated to us that the public doesn't perceive all this new money going into the classroom, even though the reality is it is. Clearly we have acknowledged that we need to do a better job communicating the truth, and the truth is that after 10 years —

*Interjections.*

**Mr Christopherson:** Orwellian truth.

**Mr Bradley:** Imagine Pinocchio telling the truth.

**Hon Mr Harris:** The truth is that after 10 years of seeing more money going into bureaucracy, we are now putting more money into the classroom for new provincial standards, new improved quality education; and I think it's important that we communicate that.

**Mr Hampton:** We're making headway here. First the Premier denies that it's his document, that it has anything to do with his government, and then it goes to being the product of a junior staffer, and then the Premier talks about the truth.

Premier, you don't have to spin a multi-million-dollar advertising propaganda campaign to get out the truth. You don't have to have lines in here that say, "The emotional impact of our advertising is perhaps even more important than the content of the copy," more important than the truth. What you're trying to do is you're trying to brain-wash people, but people are on to you.

We hear from people all the time, in letters, in faxes, in phone calls and e-mails. They tell us about their children not getting the educational assistance they used to have. They tell us about their children having to bring their quota of Kleenex to school. They tell us about athletic events being cancelled because there's no money, libraries being closed half-time, children taking home textbooks because there are not enough to go around.

Premier, this is what you should do. You should take your propaganda strategy, you should rip it up, put the money back into the classroom. Would you do that?

**Hon Mr Harris:** I would think that the member would be very supportive of \$100 million of new money for new textbooks put forward this year over and above the other levels. I thought you would have been supportive of the highest levels of student funding for post-secondary education, almost \$200 million more. I thought you would have been supportive of making sure that our university and college system is the most accessible to all students regardless of ability to pay in all of North America.

I thought that an NDP government would have been supportive of these moves to level the playing field, but perhaps you're taking Bob Rae's cue and you believe in unfettered capitalism, as I heard today. We happen to believe that it is important to assist those who need help, and we are putting dollars on the front lines to do exactly that.

**Mr Hampton:** Premier, let me be clear. I don't believe that closing 500 schools in Ontario is going to be good for our children or good for our communities. I don't believe that having the lowest per capita funding of our colleges and our universities, being next to the bottom in North America, is good for our students or good for our province. I don't believe that a funding formula that is going to cut the investment in education for 89% of the students in the province is good for us. It's not.

Do you know what else isn't good for us, Premier? It isn't good, as I read this document, that someone named Jaime Watt, a convicted fraud artist, is identified as being someone who's made a great contribution to this propaganda strategy.

Premier, can you tell me, what has been Jamie Watt's involvement in this? Is he a consultant to you? Is he a contractor to you? What's been this convicted fraud artist's involvement in your communications and propaganda strategy here?

**Hon Mr Harris:** In the document that I think you put forward I'm not sure there's been any involvement, but since you are so quick to condemn somebody who faced bankruptcy charges and who, I think it's well acknowledged, paid his debt to society and since that time has made an invaluable contribution in business, in the community and in charitable work, and is now acknowledged one of the leading experts in a whole host of fields — have we contracted from time to time with companies that use his services? Yes, we have, and we're very proud to be a party and to be a government that will accept people at face value who to the best of their ability have paid a debt to society and now are contributing substantially more than you or your party did in the five years you tried to bankrupt this province.

1440

## SCHOOL CLOSURES

**Mr Howard Hampton (Rainy River):** My next question is also to the Premier. I guess, Premier, while you're out there attacking poor people, accusing them of fraud, and while you're out there going after injured workers and accusing them of fraud, it's OK if you keep your own fraud artist around to spread a propaganda and brainwashing campaign.

Premier, I want to ask you about all the daycare spaces that your government's going to close. The Ontario Coalition for Better Child Care held a press conference today where they identified that by closing the schools you've got on your closure list for the city of Toronto, 3,700 child care spaces are going to go as well. They have no idea

where those children are going to get the child care they need.

They understand that closing schools is going to ripple through the whole community, and will affect not just school children but will affect adult learners, will affect children who are in child care. It affects the whole community. What happens to those 3,700 child care spaces that are going to be closed and lost when you close these schools?

**Hon Michael D. Harris (Premier):** I'll have the supplementary referred to the appropriate minister, but I want to deal with the preamble. I want to do two things. I want to invite the member outside to make the allegations he made inside the House, and I want to challenge the NDP to tell us their policy about anybody who has ever been charged with any offence, anybody who has ever been convicted, anybody who has ever served time. Is it the policy of his government that they never be allowed to work again in Ontario? I invite the member to step outside and tell us that.

**Hon Robert W. Runciman (Solicitor General and Minister of Correctional Services):** Total hypocrites.

**The Speaker (Hon Chris Stockwell):** Solicitor General, you have to withdraw that comment, by the way.

**Hon Mr Runciman:** I withdraw, Mr Speaker.

**Mr Hampton:** You can hire whomever you want, but it's about your standards. You're the government that's accusing poor people and accusing them of health care fraud. You're the government that, every time an injured worker gets hurt, is quick to say, "It's fraud." You're the government that has accused physicians of fraud in the past. I simply hold you accountable by your own standards.

Premier, the question was, what happens to those 3,700 child care spaces that go out the door when you close those schools? You can try to answer that one. While you're at it, do you recognize that many of the schools you're going to close are the very schools that provide the programs that help new Canadians become members in our society, that help them adjust to our society, that many of the schools you're going to close are going to have the impact of shutting those folks out as well? Premier, what do you say to those new Canadians, who are very much a part of this very large city, after you close down their community programs which go as a result of those school closures? What do you say to those people? Do you recognize that they're impacted too?

**Hon Mr Harris:** I say join with us in fighting an irresponsible Toronto Board of Education that is threatening to close down these schools. Join with my caucus colleagues; join with our Toronto caucus; join with our caucus all across this province so we can save the schools, save the child care and save the programs. That's what we were elected to do and that's what we're going to do.

**Mr Hampton:** Whatever school you go to, whatever neighbourhood, whatever community across this province, the effect of closing their schools is going to ripple through the whole community — daycare centres, athletic facilities, swimming pools, community centres, programs

for new Canadians. You seem to have this idea that it's OK to shut down communities, OK to shut down community schools, that it's better to move people into mega-schools.

Premier, what have you got against communities? Why do you always seem to want to talk about mega-cities, mega-jails, mega-schools? What do you have against communities and schools that serve communities?

**Hon Mr Harris:** Absolutely nothing, which is why we're fighting these irresponsible closings.

**The Speaker:** New question, official opposition.

**Mrs Lyn McLeod (Fort William):** My question is also for the Premier. Even millions of dollars in advertising will not let you escape the responsibility for the hundreds of schools that you are forcing to close not just in Toronto but right across this province.

You, and you alone, have put in place this arbitrary, inflexible, inadequate formula. You have decided that kids will be forced to squeeze into 100 square feet or 130 square feet of space. You put all the rules in place. You set the deadlines forcing the school closures all at once. You were warned by your own expert panel what the consequences of this kind of rigid formula would be. Your experts told you what would happen if you forced boards to shut down any spaces that didn't fit your 100-square-foot rule, and you chose to ignore that warning.

I ask you, Premier, what I have asked your Minister of Education over and over again: How many schools did you believe would have to close when you put that formula in place? Or did you not care enough to even ask?

**Hon Mr Harris:** I think the Minister of Education could answer that.

**Hon David Johnson (Minister of Education and Training):** There's no reason why any school should have to close unless the school board feels that's the appropriate way to go, in conjunction with the local parents and local community. We're not requiring a certain amount of square footage for each individual student. We're allowing boards an appropriate amount of money to make the decisions they would make. I might say that last week I sent a letter to the boards suggesting that they explore options for greater community use, such as including a university or a college, if a university or college needs that kind of space, a local municipality, a health clinic, a daycare, a library, a local utility, a community centre, a service club. These are all kinds of uses that I would encourage school boards to explore in addition to reducing their operating costs, and if they do these kinds of things, I don't think they should have to close schools.

**Mrs McLeod:** Minister, what you consider to be appropriate funding is only enough money to keep open the 100 square feet per elementary school student and 130 square feet per secondary school student. That's all. You've taken the rest away already; at least \$150 million that you've shortchanged board maintenance budgets. You say they can make up for that money by leasing school space. They can only lease it to people who can afford to pay the going rental rates. That shuts out community use of schools. It shuts out the daycare centres. You want to



try to deny responsibility by spinning notions that just don't work, like suggesting that the Toronto Board of Education can avoid school closings by shutting administrative space. It won't work. You know that there is only one million square feet of administrative space, and you demand that they get rid of 11 million square feet of space.

Minister, I say to you again, you control all the dollars, you make all the rules, you set all the deadlines. You wanted the control; you've got it. Now you've got the responsibility for what happens to kids.

**The Speaker:** Question.

**Mrs McLeod:** You could stop it now, Minister. Will you withdraw the rules that demand that boards across the province get rid of 35 million square feet of space, and will you put back the —

**The Speaker:** Thank you, Minister.

**Hon David Johnson:** The member opposite is not going to believe what the government has to say, obviously, but if we look at an article from Maclean's, April 8 of this year, it says, "Ontario tops the provinces in money spent per student." That's what it says right here in Maclean's.

I can tell you that the amount of money we're putting into the system over the next three years will go up and up and up, up some \$583 million over the next three years in additional funding in education across Ontario. The good news is that more of that money will be focused in that classroom for the quality improvements we believe are necessary to improve the education system in Ontario.

You can keep on carping or you can join us; join us in pointing this out to the boards in our crusade with the boards to ensure that they spend this money wisely and that they make the right decisions for their schools and their communities.

### HOSPITAL FUNDING

**Mr Howard Hampton (Rainy River):** My question is for the Minister of Health. The Minister of Health will know that the Ontario Hospital Association and the University of Toronto released a comprehensive study of the province's hospitals yesterday. The most compelling feature of the study tells us that people are worried. They are worried about getting the hospital care they need because of the \$800 million you've cut from hospital budgets. Half the people surveyed said there weren't enough staff in the hospital. Almost 40% said access to emergency care was inadequate. Over half said that access to mental health services and chronic care were inadequate.

The people of Ontario don't need another \$4-million propaganda campaign from you telling them: "All right. Don't worry; be happy." They need the 100 full-time nurses that \$4 million would put back into the hospitals. On behalf of the people of Ontario, will you restore the proper funding to our hospitals so they can do the job they were intended to do, they want to do and people need them to do?

**Hon Elizabeth Witmer (Minister of Health):** I want to congratulate the hospitals on taking this initiative and issuing this hospital report card. I think it's a very important document in helping us find ways. It allows the hospitals to become more accountable. It provides education to the public. It makes them better informed. Certainly, based on the information that is now available, it can help individual hospitals move forward and make the quality improvement steps and progress towards ensuring that we work collaboratively in order to ensure that the services are there.

I think this is a very good step forward. It's an initiative that I have certainly been supporting; it's something that this government is on record supporting. I congratulate the hospitals for undertaking this report card.

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**Mr Hampton:** Minister, we all congratulate the hospitals, but the issue is the over \$800 million that you've taken from them. It's putting many of them into deficit situations and is resulting in understaffing, waiting lists and emergency rooms that don't work, or don't work to the level they should.

One of the things the report makes clear is that the most disadvantaged people in Ontario are in northern Ontario, except if you live in North Bay or Parry Sound, because that's actually where money has been going back into hospitals. Minister, will you make a commitment that it's not just the hospital in North Bay and not just the hospital that has been reopened near Parry Sound that will get the money, that those people who aren't getting the resources they need in northern Ontario will now start to get the resources they need after you've cut the money out? Will you put the money back at least for them?

**Hon Mrs Witmer:** The one thing that we did note in the report card was the high level of patient satisfaction with the services that had been provided. Also, as the member opposite knows, as we have done the restructuring, we have been responding to the needs of individuals, and what people have been asking us is that we invest the resources into the community services.

All last week, as we travelled throughout the province, and we were in Thunder Bay, we heard from people who were anxious that we invest the mental health dollars into the community services, that we make sure we have the community services there; that there wasn't the need for the number of psychiatric beds we've had in the past, and we need to shift the focus of the services. We are responding to the needs of people in this province. We recognize that more and more services are going to be provided in communities because that's what people are asking us for.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mrs Witmer:** So we're shifting services into the community, bringing services closer to home. We're introducing more prevention and promotion as well, and, as a result, we're starting to see —

**The Speaker:** Thank you. New question.

## ALTERNATIVE FUELS

**Mr Jack Carroll (Chatham-Kent):** My question is to the Minister of Agriculture, Food and Rural Affairs. It was my privilege to attend the official opening of the \$150-million Commercial Alcohols ethanol plant in Chatham-Kent. As you know, Minister, this is the largest ethanol plant in Canada. It operates 24 hours a day, seven days a week and is currently processing at a rate of 380,000 tonnes of corn to produce 150 million litres of ethanol.

Despite the federal Liberals trying to take credit for this whole process, last week's celebration wouldn't have been possible without the support of the Mike Harris government. Could you give us a little update on the history of our government's commitment to ethanol?

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** I want to thank my colleague the member for Chatham-Kent. I was certainly pleased to attend with him the official opening of the Commercial Alcohols ethanol plant last month.

In fact, for 10 years I have been supporting an ethanol industry in Ontario. We need our own ethanol industry, and we now have a very good start on it with Commercial Alcohols. The Mike Harris government and I personally have been committed to this and the project from day one. In 1995, we were pleased to announce \$5 million to that particular project, and the money was spent.

I notice the Liberals are kind of happy now, but a Liberal energy minister, one Lyn McLeod, told me in a letter of April 1990, "It does not appear that ethanol from grain can be produced at a sufficiently low cost to become an important component in Ontario's gasoline without significantly larger subsidies." That's interesting. The Liberal critic now, Pat Hoy, quotes a little differently. I'm sure that I don't need to tell you —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Carroll:** Thank you, Minister, for that little history lesson.

Earlier this year I introduced Bill 34, an act that would mandate that all gasoline offered for sale or use in a motor vehicle must contain at least 2.7% oxygen by weight. It is currently being reviewed by committee, and I'm hopeful that the bill will pass so that we can create an even greater demand for ethanol.

Minister, can you inform the members of the House why ethanol is good for the environment and good for the economy?

**Hon Mr Villeneuve:** I believe all my colleagues know that ethanol is a clean-burning fuel. It has the logo of "environmentally friendly" and is creating a number of jobs not only in the Chatham area but across the farming community of Ontario.

The ethanol plant, which has been up and running now for almost a year, has processed more than 150,000 tonnes of corn a year and over 60 million litres of ethanol. We need more ethanol because our fuel industry requires it.

Thanks to the policies of this government, Ontario's agri-food economy is booming, and certainly in south-western Ontario that's rather obvious. I'm very pleased to convey that message to all of my colleagues.

## SCHOOL CLOSURES

**Mr Gerry Phillips (Scarborough-Agincourt):** I'll direct my question to the Premier. It has to do with the whole issue of school closings.

Premier, you know that since May school boards have been working to try and implement the dictates of the Minister of Education, which indicate that substantial numbers of schools, up to 500, have to close across the province. There is now chaos out there, neighbourhood schools are in turmoil, all because of a funding formula announced by your government in May.

My question is this. The minister today has indicated that he doesn't think schools should be closed. I believe that back in May you had to have had an estimate of how many schools would close as a result of the funding formula. Are you prepared to table today the estimates that were provided to cabinet on the number of schools in the province that would close as a result of the funding formula announced by the minister?

**Hon Michael D. Harris (Premier):** I'm happy to take the question and give you my recollection, that as a result specifically of the funding formula, there was no need for any schools to close. That's my recollection.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Mario Sergio (Yorkview):** My supplementary question is also for the Premier. It was you and the Minister of Education who decided on your funding policy, who decided as well on the square-metre policy per student. Arbitrarily, you have decided that. You have imposed the funding formula. Arbitrarily, you have imposed that square-foot policy per student. I have to say that this is not the yardstick to measure the quality of education in Ontario. You are blaming school boards for closing schools but you have imposed your bullheaded authority on them.

Tell the parents, tell the students of Emery Collegiate, Venerable John Merlino, St Gaspar, St Camillo and others that your policy is not working. Your yardstick policy to close schools is not working.

**The Speaker:** Question.

**Mr Sergio:** It's not acceptable to us, it's not acceptable to students and it's not acceptable to parents. Tell them today that indeed you will review your funding formula and your —

**The Speaker:** Thank you, Premier.

**Hon Mr Harris:** The Minister of Education has answered the question. I think it's very important to understand that as a result of the funding formula, not one school has closed in Ontario to date. Even the board of education in Toronto has never said that any schools have to close. They've said "may." They put a list together. We've asked for an accountability for that, and I hope you would, and it sounded to me like they threw darts.



What I would say to you is this: Given that the Toronto board has more money per student right now than any other board in the province to educate their kids, I would suggest that now is the time not for rhetoric, not for fear-mongering, but for us to sit down and work with the Toronto board on how they can maximize that per pupil funding that not only is the highest in Ontario but is among the highest in the world, and on how we can keep all of our community schools open that should be open.

1500

**The Speaker:** New question.

**Ms Marilyn Churley (Riverdale):** My question is to the Premier. You know that what is happening here has nothing to do with the Toronto Board of Education; it has to do with your funding formula, which is all about getting the money out to finance your tax cut that mainly benefits the rich. The people out there know that. You're not fooling anybody today.

I have in my community 11 schools closing. As my leader pointed out earlier, new Canadians, many of whom go to these schools, are hurt by your policies. We have in the Riverdale area, at Eastdale Collegiate, a program called Nighana. It's a program centred on the needs of young African Canadians. It is an extremely successful program for keeping young people in school.

Minister, nobody believes your propaganda that you are not responsible. You are responsible. Take the opportunity now to correct a mammoth problem and the crisis you've created. Admit today that the funding formula will not work and agree to change it.

**The Speaker:** Premier.

**Hon Mr Harris:** I think the minister can take it.

**Hon David Johnson (Minister of Education and Training):** What I'll admit to today and freely answer is that the funding formula intends to be fair to each and every student across Ontario. It will allocate more money this year than last year in totality. I'm here to tell you that even in the Toronto board more money will be spent this school year than last school year. The funding formula allocates more dollars per student in the classroom over the next three years: this year, next year and the year after.

I think the Catholic board was mentioned. The revenues from the Catholic board here will climb from about \$624 million up to \$695 million.

I hope the two school boards here in Toronto and school boards across Ontario will take that increased funding and make the best decisions for their students and their communities.

**Ms Churley:** I'm sorry the Premier would not answer my question.

I want to say to the Minister of Education that he's wrong and he knows it. He stands there today and defends, or tries to defend, his policy. Most of the time he knows he cannot defend it, so he finds somebody to blame, as usual. In this case it's the Toronto Board of Education. The Minister of Education should know better.

I want the minister to know that in my community and across this province, nobody believes you and no amount

of propaganda is going to fix the problem. Your funding formula will not work. Your definition of a classroom is cold and dirty, perhaps with no lights, windows not cleaned. That's your definition of funding schools. That is not what —

*Interjections.*

**The Speaker:** Member for Riverdale.

**Ms Churley:** I want to say something in defence of the Toronto Board of Education. They have been the most innovative in Toronto in integrating newcomers into the Canadian mainstream. You are taking all those innovative programs away from us. We will not stand for it. Minister, will you announce today —

**The Speaker:** Thank you. Minister.

**Hon David Johnson:** My definition of education, my vision for education, is one where every child in Ontario has a fair and equal opportunity, in a safe and clean environment, to a high-quality education system, a higher quality than the system that's in place at present.

The Toronto board has a choice. It has a choice to look at its seven major administrative buildings and at its seven additional administrative buildings — 14 administrative buildings in total — and reduce the costs there first, or it has a choice to close schools. I say it has made the wrong choice. It also has a choice to look at how it runs its operations and save \$50 million to \$100 million. It has a choice to look at that part or it has a choice to look at schools. Again, I say the Toronto board has made the wrong decision.

## WOMEN ENTREPRENEURS

**Mrs Helen Johns (Huron):** My question is for the minister with responsibility for women's issues. This past Friday and Saturday there was a conference held in Stratford called Connections '98. I understand that the Ontario women's directorate sponsored the conference and that you were in attendance. Could you inform the House about the conference, please?

**Hon Dianne Cunningham (Minister of Intergovernmental Affairs, minister responsible for women's issues):** Thank you, to the member for Huron. We had a great conference in Stratford on the weekend, Connections '98. It was a link-and-think opportunity for women entrepreneurs, and women entrepreneurs in the last decade in Ontario, 1987 to 1997, increased some 84%.

It's extremely important for our government to help young women make the right kinds of choices so that they can become economically independent. It's even more important that we support organizations like Women in Rural Economic Development, who co-sponsored this wonderful conference so that those women entrepreneurs would be able to speak to their own colleagues, so that they could be part of a leading-edge business development seminars program, so that they could network and so that they could create partnerships across this province. It was a great conference.

**Mrs Johns:** Minister, I know that many of the entrepreneurs who were there were pleased with the conference

and pleased with the information they received and also pleased with the group that's known as Rural Economic Development in our area. They have done a terrific job.

I was wondering if you would let the House know some of the topics that were the focus of the seminar this weekend.

**Hon Mrs Cunningham:** There were over 17 seminars and workshops. I think the Minister of Education might be very pleased to know, and the Minister of Economic Development and Trade, that women are doing conferences and workshops on export experts; new business opportunities and areas of growth in the health and alternative therapy sector — that one was for the Minister of Health and all those people who are looking for those new jobs; new business opportunities in areas of growth in the food sector, which I'm sure the Minister of Agriculture, Food and Rural Affairs will be interested in knowing; entrepreneurial assistance programs for youth.

*Interjection.*

**Hon Mrs Cunningham:** These kinds of workshops for Connections '98 are important to young girls and they are important to women. I'm sure the member for Kingston and The Islands would want to take this kind of concept back to his own riding, because this is the kind of thing that makes young women want to succeed, and entrepreneurs set up those networks to help each other.

1510

### SCHOOL CLOSURES

**Mr Pat Hoy (Essex-Kent):** My question is directed to the Premier. Last weekend, parents and parent groups attended my meeting in St Thomas to protest the closures of rural and community schools that are being driven by your government's underfunding formula.

The Minister of Agriculture was in Dresden last week. He said he understood that rural schools are very much a part of rural communities, and I agree with him. He promised, "I assure you the money is now in place."

Neither of the two boards in my part of rural Ontario qualified for any rural grant money under your funding formula. Romney Central school in my riding was unfairly closed because of your funding formula. Romney received no rural funding. The amount of money that it was eligible for under the small schools envelope was not enough to keep it open. It did nothing. It's worthless. Romney enrolment didn't change; your funding formula did. Romney has become the symbol for rural Ontario. Is there new money available, Premier, for rural communities like Romney, Orford and Tilbury? Will it allow rural and community schools to remain open?

**Hon Michael D. Harris (Premier):** I think the minister should respond.

**Hon David Johnson (Minister of Education and Training):** First of all, I want to say I agree with the parents who are fighting for their schools. Their community schools are most important not only here in Toronto, as we've heard earlier today, but right across the province.

I would encourage parents and communities to get out and fight for their schools.

Second, I agree with the Minister of Agriculture that indeed the funding is in place: the small schools grant that I think you mentioned, some \$40 million for small schools across the province; the remote and rural grants, some \$90 million for various boards across the province, and those boards will use those monies to keep small and rural schools open, even at much less than full capacity, but those monies will support those schools.

In summary, we've attempted to recognize the various needs across the province. Here in Toronto there are certain needs, in other local communities there are various needs, and certainly in rural areas such as you've indicated there are needs, and the funding formula attempts to deal with them as best it can.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Richard Patten (Ottawa Centre):** Minister, you've been hearing about the situation throughout Ontario. In Ottawa-Carleton, for example, I spoke to a trustee today and he said, "You know, it's amazing that the region is planning for 50% of its housing growth within the greenbelt in the Ottawa-Carleton area, which is exactly where about 90% of the school closures are slated to be." The chair of the Ottawa-Carleton District School Board, Lynn Scott, said, "The province is not providing us with the funding to support the operation of the schools that we have." She went on to add, "The board is running 150 schools on the budget of 125 schools."

It seems to me that the minister's pants are on fire. What he's saying is that it's the board's responsibility. The government is the group that controls the formula. They've already cut the money out of this objective formula for these schools. These schools don't have the money. Then he says it's up to each board. Minister, the Premier just said, "Let's sit down and let's work this out." We're happy to come to a meeting and do that and bring anyone else you would like. Will you do that?

**Hon David Johnson:** The Ministry of Education has already been doing that with various boards.

**Mr Patten:** He said, "Let's sit down and work it out."

**Hon David Johnson:** Sure. Yes, we have been doing that with various boards, here in Toronto with the Catholic board, one board that we've sat down with; Lambton-Kent, another board that the Ministry of Education has had the opportunity to meet with and look at the details. We'd be pleased to sit down with Ottawa-Carleton.

**Mr Patten:** Good. When?

**Hon David Johnson:** At the earliest opportunity. We're happy to do that because we're confident that the monies that have been allocated for the various different aspects, needs within our communities across the province, are incorporated within this budget. Ottawa, for example, may need more monies for students at risk, more monies for ESL, those kinds of things. Here in Toronto the board gets a bigger share of those kinds of aspects of the budget. We're more than happy to sit down and work this out.



## CASINOS

**Mr Peter Kormos (Welland-Thorold):** To the Chair of Management Board: When the justice committee was considering Bill 75, your government's proposal to expand gambling and put VLTs in communities across the province, we know that your government blocked the disclosure, blocked the release of an OPP report on organized crime which talked about the vulnerability of your gaming scheme to infiltration by organized crime. We now learn that you and your government were in possession of a legal opinion prepared by an independent law firm at the request of the OLC which indicated that your government's operation of its casinos and its proposals was in contravention of the Criminal Code of Canada.

We were at first concerned about your program being infiltrated by organized crime. We find out now that the real criminals may have been in the cabinet themselves. Who suppressed the 1996 legal opinion, why, and why won't the government initiate an investigation into the allegation of its contravention of the Criminal Code now?

**Hon Chris Hodgson (Chair of the Management Board of Cabinet, Minister of Northern Development and Mines):** I'm not sure what the member of the third party is talking to. The issue is that we're operating under the same model established by the NDP government when he was in power. This report has a contrary view to that set up by the NDP government. We're still of the opinion that the NDP was right, that the OCC model, the Ontario Casino Corp model, is legal and in accordance with the Criminal Code.

## ROYAL ASSENT

## SANCTION ROYALE

**The Speaker (Hon Chris Stockwell):** I beg to inform the House that in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor has been pleased to assent to a certain bill in her office.

**Clerk at the Table (Mr Todd Decker):** The following is the title of the bill to which Her Honour did assent:

Bill 35, An Act to create jobs and protect consumers by promoting low-cost energy through competition, to protect the environment, to provide for pensions and to make related amendments to certain Acts / *Projet de loi 35, Loi visant à créer des emplois et à protéger les consommateurs en favorisant le bas prix de l'énergie au moyen de la concurrence, protégeant l'environnement, traitant de pensions et apportant des modifications connexes à certaines lois.*

## PETITIONS

## SCHOOL CLOSURES

**Mr Pat Hoy (Essex-Kent):** "Whereas Mike Harris is cutting the heart out of many communities by closing hundreds of neighbourhood and community schools across Ontario; and

"Whereas this massive number of school closings all at once will displace many children and put others on longer bus routes; and

"Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

"Whereas Mike Harris is pitting parent against parent and community against community in the fight to save local schools; and

"Whereas parents in Romney, Toronto, Ottawa, Stratford, Hamilton-Wentworth and many other communities are calling on the government to stop closing so many of their schools; and

"Whereas the closure of a school should be based on local decision-making and student population, with enough time to consider all options, not complicated formulas aimed at quickly cutting money from the system;

"We, the undersigned, petition the Legislature to call on Mike Harris to stop his headlong rush to close local schools."

I sign this petition because I'm in complete agreement with my constituents.

## HIGHWAY SAFETY

**Mr Bud Wildman (Algoma):** I have a petition which was circulated by Mrs Margaret Pigeon of Goulais River. It is signed by 1,718 residents, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the recent death of a Goulais River resident as a result of a collision with a moose on an unlighted stretch of the Trans-Canada Highway 17 north, approximately 25 kilometres north of the city of Sault Ste Marie — known as the Mile Hill; and

"Whereas the death of this person and the consequences of nine previous vehicle accidents involving moose in the vicinity of the Mile Hill since April 10, 1998; and

"Whereas the vicinity of the Mile Hill is well known to the Ministry of Natural Resources as an area where moose congregate due to the salt water runoff from the highway and to the Ministry of Transportation for the same reason; and

"Whereas the Ministry of Natural Resources, being aware of a problem of moose congregating near the highway, have tried placing salt licks back in the bush, without success; and

"Whereas the Ministry of Transportation has drained and filled roadside salt pools in an attempt to remove the attraction for the moose, was successful, but was discontinued due to it being too labour-intensive and costly to continue;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to investigate the installation of appropriate lighting for the stretch of the Trans-Canada Highway 17 north for approximately one half kilometre from the base of the Mile Hill northerly to the MTO plow turnaround, and further investigate the installation of

electric fencing on both sides of the same stretch of highway, and respectfully request that the appropriate ministries report back their findings and decisions to the undersigned in a timely manner."

I've attached my name to the petition.

### PALLIATIVE CARE

**Mr Bob Wood (London South):** I have a petition signed by 32 people.

"Whereas most Ontario residents do not have adequate access to effective palliative care in time of need;

"Whereas meeting the needs of Ontarians of all ages for relief of preventable pain and suffering, as well as the provision of emotional and spiritual support, should be a priority to our health care system;

"We, the undersigned, petition the Legislative Assembly of Ontario to resolve that a task force be appointed to develop a palliative care bill of rights that would ensure the best possible treatment, care, protection and support for Ontario citizens and their families in time of need.

"The task force should include palliative care experts in pain management, community palliative care and ethics in order to determine effective safeguards for the right to life and care of individuals who cannot or who can no longer decide issues of medical care for themselves.

"The appointed task force would provide interim reports to the government and the public and continue in existence to review the implementation of its recommendations."

1520

### SCHOOL CLOSURES

**Mr Mario Sergio (Yorkview):** I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas due to the Harris funding cuts to education the Toronto Catholic District School Board is being forced to consider the closing of 29 Catholic elementary schools in the city of Toronto before next September; and

"Whereas the parents of the students at St Gaspar school do not want the school to be closed because it is operating at full capacity, and fear the further chaos and crisis the government is imposing on the education of their children; and

"Whereas there is apprehension and turmoil in the community that due to government rules to determine school capacity, hundreds of students will have to find a new school come next September;

"Now, therefore, we, the undersigned citizens of Ontario, petition the Legislature of Ontario as follows:

"We call upon the Minister of Education, who has the primary responsibility for providing a quality education for each and every student in Ontario, to:

"1. Listen to the views being expressed by the teachers and parents of St Gaspar school students who are concerned on the implications and disruptive effects the school closure would have on their children;

"2. Recognize the fundamental importance of our local schools to our neighbourhood community;

"3. Live up to its commitment to provide adequate funding for the important and essential components of a good education and not allow the closing of St Gaspar school, because it is operating at full capacity."

I agree with the content and I will affix my signature.

**Mr Derwyn Shea (High Park-Swansea):** I have a petition to the Parliament of Ontario signed by hundreds of parents in High Park-Swansea and in Parkdale and in York South, and it's directed to the Legislative Assembly of Ontario. It reads:

"Whereas the Toronto District School Board has proposed the closure of over 130 schools in the city of Toronto; and

"Whereas the release of this list of proposed schools for closure is an irresponsible, fearmongering scare tactic by the TDSB which is causing pain to students and their families; and

"Whereas the TDSB is still using all six headquarters buildings and properties that are valuable real estate; and

"Whereas consolidating these buildings first before uprooting any students and selling the extra administrative buildings would give the TDSB a boost in capital which they can use to upgrade and renew existing schools, not close them; and

"Whereas the TDSB spent 50% more per pupil for maintenance and operations last year than the Toronto Catholic board, with the Toronto board spending \$1,052 per pupil compared to \$621 per pupil for the Catholic board; and

"Whereas by threatening to close schools before finding administrative efficiencies the TDSB is not placing the needs of our children and students first, but are putting administrators first by keeping their expensive, fancy administrative buildings open;

"Now, therefore, we, the undersigned, respectfully petition the Legislature of Ontario to force the Toronto school board to find administrative efficiencies first before closing any schools, and further that the Toronto District School Board be required to publicly release a line-by-line analysis of their budget justifying all administrative costs prior to any school closure, and further that the Toronto school board close and sell all excess administrative buildings before closing any schools, and that all savings found through closure and sale of excess administrative buildings and lands be invested in students first, and in upgrading and renewing existing schools and not investing in expensive, fancy administrative buildings."

I add my name to this petition.

### HOTEL DIEU HOSPITAL

**Mr James J. Bradley (St Catharines):** I have a petition to the government of Ontario. It reads as follows:

"Since the Hotel Dieu Hospital has played and continues to play a vital role in the delivery of health care services in St Catharines and the Niagara region; and



"Since Hotel Dieu has modified its role over the years as part of a rationalization of medical services in St Catharines and has assumed the position of a regional health care facility in such areas as kidney dialysis and oncology; and

"Since the Niagara region is experiencing underfunding in the health care field and requires more medical services and not fewer services; and

"Since Niagara residents are required at present to travel outside of the Niagara region to receive many specialized services that could be provided in city hospitals and thereby not require local patients to make difficult and inconvenient trips down our highways to other centres; and

"Since the Niagara hospital restructuring committee used a Toronto consulting firm to develop its recommendations and was forced to take into account a cut of over \$40 million in funding for Niagara hospitals when carrying out its study; and

"Since the population of the Niagara region is older than that in most areas of the province and more elderly people tend to require more hospital services;

"We, the undersigned, request that the government of Ontario keep the election commitment of Premier Mike Harris not to close hospitals in our province, and we call upon the Premier to reject any recommendation to close Hotel Dieu Hospital in St Catharines."

I affix my signature as I'm in complete agreement with this petition.

#### ADOPTION

**Mr John O'Toole (Durham East):** I have a petition to the Legislative Assembly of Ontario from Linda and Rik Davies and a number of other people from my riding of Durham East, including Lisa Despate' and Janice Barber.

**The Deputy Speaker (Mr Bert Johnson):** Would you like to read it?

**Mr O'Toole:** "Whereas the Adoption Reform Coalition of Ontario (ARCO) brings together various organizations to recommend reform of Ontario adoption law based on honesty, openness and integrity;

"Whereas existing adoption secrecy legislation is outdated and unjust;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child, and these rights are denied to persons affected by secrecy provisions in adoption laws and the Child and Family Services Act and other acts in Ontario;" — there are several other whereases, but I'll conclude:

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to:

"Permit unrestricted access to full personal identifying birth information to adopted persons and adult children of adopted persons; and unrestricted access to the adopted

person's amended birth certificate to birth parents, birth grandparents, and siblings and other birth relatives, when the adopted person reaches age 18."

I'm pleased to sign and endorse this petition.

#### DENTAL CARE

**Mr John Gerretsen (Kingston and The Islands):** I've got a petition here dealing with dental services for those who are disabled. It's addressed to the Legislative Assembly of Ontario. It states:

"Whereas a new schedule of dental services for children and people with disabilities was introduced by the government under the Ontario Works Act and the Ontario Disability Support Program Act; and

"Whereas the new schedule fails to meet the special needs of children and people with disabilities, reduces services, places barriers to accessing care and creates an environment for various different dental programs across Ontario; and

"Whereas the move away from an emphasis on prevention under the new dental schedule brings significant health risks for children and people with disabilities who are often least able to practise good oral hygiene; and

"Whereas the new dental schedule interferes with the patients' rights to consent to treatment by requiring administrators, and not patients or substitute decision-makers, to authorize and deny dental treatment; and

"Whereas there is no method for the patient to appeal a decision by a plan administrator to deny dental treatment; and

"Whereas pre-authorizations, called predeterminations in the new plan, will require that a higher level of confidential patient health information be disclosed to dental plan administrators; and

"Whereas the Ontario government has caused confusion among patients by introducing the plan without adequate consultation and has not included any affected patient groups in consultations after releasing the new dental plan;

"We, the undersigned, petition the Legislative Assembly as follows:

"Delay full implementation of the new dental plan until the requirement for predeterminations is removed, patient confidentiality is protected, the plan emphasizes prevention in oral health care, and the government consults directly with affected patients to ensure the new plan will meet the special needs of children and people with disabilities."

I have signed it as well as I am in complete agreement with it.

#### BOATING SAFETY

**Mr Bill Grimmatt (Muskoka-Georgian Bay):** I have a petition signed by 19 citizens of Ontario, most of them from the Midland-Penetang area of Simcoe county. As is my practice and as is set out in the rules here, I'll just summarize the contents of the petition.

The petitioners express a concern about the dangers of impaired boating and urge the Legislature to move ahead with third reading of Bill 59, the Highway Traffic Amendment Act. I would like to submit that petition today.

1530

### HEALTH CARE FUNDING

**Mr Mario Sergio (Yorkview):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas the provincial government cuts have caused a major decline in our health care system; and

"Whereas our hospitals no longer provide attentive, compassionate care to patients; and

"Whereas severe cuts to hospital staff and nurses have often caused very ill patients to wait long hours; and

"Whereas access to quality health care can no longer be provided and the government's cuts to the Ontario health care system are a real barrier for the people of Ontario;

"Therefore, we urge the Premier and this government to stop the cuts and give us a universal and accessible health care system. We pay for it and we demand that we be treated fairly and equally by our government."

I will affix my signature as I concur with the petitioners.

### SCHOOL PRAYER

**Mr John L. Parker (York East):** I continue to receive this petition and others like it and I continue to submit them to this House, in accordance with the rules. It is addressed to the Legislative Assembly of Ontario:

"Whereas we are firm supporters of the public school education system and the Protestant faith;

"We, the undersigned, hereby petition the government of Ontario to reinstate the Lord's Prayer in the public school system of Ontario."

### ORDERS OF THE DAY

#### TIME ALLOCATION

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs, and stimulating economic activity through the sale of Highway 407, when Bill 70 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment, and at such time, the bill shall be ordered referred to the standing committee on resources development;

That no deferral of the second reading vote pursuant to standing order 28(h) shall be permitted;

That the standing committee on resources development shall be authorized to meet to consider the bill during the November recess as follows: two days for the purpose of conducting public hearings and one day for clause-by-clause consideration of the bill;

That, pursuant to standing order 74(d), the Chair of the standing committee on resources development shall establish the deadline for the tabling of amendments or for filing them with the clerk of the committee;

That, on the day designated for clause-by-clause consideration of the bill, the committee be authorized to meet until completion of clause-by-clause consideration;

That, at 12 noon on that day, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill, and any amendments thereto. Any divisions required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a);

That the committee shall report the bill to the House not later than the first sessional day that reports from committees may be received following the completion of clause-by-clause consideration, or November 30, 1998, whichever is earliest. In the event that the committee fails to report the bill on the date provided, the bill shall be deemed to have been passed by the committee and shall be deemed to be reported to and received by the House;

That, upon receiving the report of the standing committee on resources development, the Speaker shall put the question for adoption of the report forthwith, and at such time the bill shall be ordered for third reading;

That two hours shall be allotted to the third reading stage of the bill. At the end of such time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment.

**Mr David Christopherson (Hamilton Centre):** On a point of order, Mr Speaker: If the minister's going to be shutting down democracy in this place, the least he can do is require the minimum number of members present to conduct official business. I don't believe there's a quorum.

**The Deputy Speaker (Mr Bert Johnson):** Would you check and see if there's a quorum present, please.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Deputy Speaker:** The Chair recognizes the minister from Mississauga West.

**Hon Mr Sampson:** I'll resume at the point that reads:

That two hours shall be allocated to the third reading stage of the bill. At the end of such time, the Speaker shall interrupt the proceedings and shall put every question



necessary to dispose of this bill without further debate or amendment;

That the vote on third reading of the bill may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding deferred votes; and

That, in the case of any division relating to any proceeding on the bill, the division bell shall be limited to five minutes.

**The Deputy Speaker:** Mr Sampson has moved government notice of motion number 37. Does the minister have some remarks he'd like to make?

**Hon Mr Sampson:** I do indeed, Speaker. Before I start off, I'd like to indicate that at the outset here I will be sharing my time with the members for Nepean and Durham East, and I believe we're sharing our time equally among the opposition parties as well.

I'm rising today to speak to the time allocation motion regarding Bill 70, which is the Highway 407 Act, an act that we truly believe will allow for a partnering with the private sector, a relationship with the private sector that will allow us to complete the highway that in previous debates I have referred to as the highway with no beginning and no end, while at the same time providing an important infrastructure for the people in the GTA as this area grows and develops and the need for infrastructure grows and develops. It's also a bill that will, as a result of the construction involved, create a number of new jobs in the construction industry, the road building industry in this province, which is of course also good news.

But before I go any further, I think it's probably worthwhile, since we are debating a time allocation motion on this particular bill, to talk to the urgency we have to move ahead with this legislation. As I've said to this House before and to the people watching, this legislation provides for the framework as we evolve towards selling the highway, cutting a relationship with the private sector so that they will indeed build the highway, maintain it and run it. It establishes the responsibilities of the private sector in that relationship and the responsibility of the public sector — government — in those relationships.

1540

It's important to do that in legislation so that while there will be agreements between a potential buyer and the government as a seller, at least there's some legislative support for those particular agreement, some basis upon which those agreements are founded. In the absence of that legislative framework — some of the members opposite have argued this and I agree; that's why we came forward with the bill — it's difficult to understand the fundamental construct of any particular deal one would cut with a private sector buyer.

We've heard debate from both sides of this House on what this highway currently is, its state of construction, what's completed, so to speak. As I said just a few minutes ago, what we have here in this area as it relates to Highway 407 is a highway where the middle has been constructed and completed for all intents and purposes, but there is not connection to some of the roads that it intends

to divert traffic from. There's no logical connection to the 403 but in one particular area out in Mississauga. On the east end of the highway, one is travelling along and ends up in the middle of a small community. There's no eastern connection to either Highway 401 or any other of the roads one would expect it to be connected to in the construction of a highway that's intended to divert traffic from 401 and 403.

**Mr Ted Chudleigh (Halton North):** It's not a bypass.

**Hon Mr Sampson:** The member for Halton North is quite correct that it's not a bypass, it's not functioning as a bypass highway now, because it doesn't connect back to those highways or connect to those highways one intended to bypass or reroute traffic from. It's one of the bizarre parts of that particular highway. The GTA drivers and the local municipalities in the area have been telling us that highway extensions are vitally important in order that they can deal with the traffic volumes that are developing in their particular area. Anybody who has travelled Highway 403, gone to the QEW area around the Ford plant, for instance, where the 403 connects to the QEW, in fact all the way along that section to the Burlington section, will know that is an impossible section of the highway to travel at almost any time of day.

I was on that road late one evening and there were traffic jams. The highway was literally blocked. There wasn't an accident. It's just that you've got all this volume of traffic converging into a small section of the highway. It's bizarre and it's unmanageable and unworkable. The people in the Halton area of the GTA, the Burlington area, the people in Hamilton, need this highway.

We've heard calls to extend the highway to the east as well. Why? You're on the highway, you're going along, you get on the 407 — it's a beautifully designed highway, state of the art, impeccably maintained — but you're going along and all of a sudden it ends in the middle of a community. The road it was intended to connect back to, 401 there's no connection there whatsoever.

Clearly, highway users on both ends of the highway desperately want to have the highway completed and have been at governments for some time, and I suspect that at the time the NDP government was around and cut the original contract to build this highway, they were under considerable pressure to provide the east and west connections.

Let me share with you the input we received from the region of Halton regarding Highway 407. In their submission to us they state:

"In 1980, with the approval of Halton's official plan, Highway 407...was identified as the most important provincial transportation priority in this region. Since that time, the Halton, Oakville and Burlington councils have all reaffirmed the priority of this facility by way of resolution."

Halton's submission goes on further to say:

"Numerous...transportation studies indicated that Highway 407 should have been in place across Halton by the mid-1990s and at the very latest by 1998, a date that is obviously not possible to achieve" at this point in time.

Lastly, the submission states:

"At this point in time, congestion on the QEW is becoming a major impediment to attracting new industry and economic growth to the GTA and Hamilton area."

According to the people who work and represent that particular area of the GTA, we have an uncompleted highway restricting economic growth, economic development, the standard of living if you will, of the residents of that area. I say to the members of this Legislature, I say to the people watching here today and I say to the members of this Legislature who happen to also represent areas of Halton, drive that highway, QEW-Highway 403. Pick a time of day, drive it, and you will see the definition of congestion. I say to you in the Webster's Dictionary under the word "congestion" is probably a picture of that highway. It is full of cars.

The 407 will relieve that congestion. That is what it was intended to do, and with this legislation in front of us today, if we can get this legislation passed by this assembly, we will be able to move ahead so that we can relieve the congestion that has burdened parts of this GTA area for decades and provide the GTA with a highway infrastructure that will deliver goods, deliver economic activity and also, as I said at the beginning of my comments, deliver jobs.

I listened to the debate over the last few days. Members opposite — certainly the member from Kingston was quite vocal about this and wanted to know what public good would be achieved as a result of this legislation, and I say that's a very good question for the member to have raised. He raises a number of questions. This is perhaps one of the good ones he has raised. I won't comment about some of the other ones he has raised. But he's right. A bill should have some public good to be delivered as a result of it. That's what we are here in this assembly for, to provide some public support, some public good.

What is the public good of this legislation? I have been speaking for the last 10 minutes about a very important public good of this legislation. It allows us to move ahead and complete a highway that otherwise would probably lie essentially incomplete. It allows us to extend this road on the west to its connection in Burlington, on the east to its connections with the 401 and perhaps 115.

How about the jobs that are being created? I would say the jobs that this particular project will create are indeed another area of public good to be delivered.

How about the fact that taxpayers are required to pay for this particular highway, constructed as it is, through their tax dollars, by supporting the debt that has been raised to finance this highway, and at the same time being asked to pay the tolls to finance the debt that they're supporting? Talk about double-counting. I know the member from Scarborough likes to double-count; in fact, I gather his party double-counted quite a bit before they handed the tremendous debt of the province to the NDP when they lost the election in 1990. But double-counting, by requiring people to pay debt and at the same time finance it through tolls, is ludicrous. It's ridiculous, and we intend,

through this piece of legislation, to eliminate that double-counting.

How about better management of the highway, perhaps better management of the tolling structure? Do you think that's a public good? I say to you it is. If we can get the private sector to use its consumerability, if you will, to generate additional volume on this traffic through perhaps much smarter tolling structures, we should pursue that. I think that's a public good. That's something that's good for the public as they drive this highway.

How about the investment that the additional construction of this highway will mean for this province? Let's talk about that as a public good. Let's talk about billions of new capital being invested in this province by people either within this province or within this country or perhaps, yes, investors outside of this country and province. Isn't it good to have substantial investment, I ask the member for Kingston and The Islands, who understands, I think, the value of substantial investment in this province. Isn't that a good public initiative, to encourage financing people, investors, to invest in this province, to create jobs, to create wealth, to create the economic activity that we need in this province to pay back the massive debt that both of those parties laid on the backs of our children?

1550

The member for Kingston and The Islands knows very well about tax increases because he is from a party that has now jacked up taxes substantially. Of course, he has an impeccable track record in the city of Kingston that he might want to speak to one of these days. We've encouraged him, of course, to talk to that item. He has been somewhat reluctant to speak to his experience as the mayor of the city of Kingston as it relates to municipal taxes, but I'm sure he'll want to deal with that when he responds to the time allocation motion today.

There is a long list of public good initiatives that we believe are attached to Bill 70. That's why we need to encourage this House to move along with the consideration of this particular legislation, to move along with the process so that we can have this framework that I spoke to earlier, this foundation that allows us as government to proceed to entertain requests for proposals from potential owners of this highway, to proceed with structure and arrangement financially and otherwise that will benefit Ontarians, whether they be taxpayers, residents of the area or drivers of the highways. We need to have the process moved forward. That's why we are bringing forward today this time allocation motion on Bill 70.

**Mr Alvin Curling (Scarborough North):** Why are you doing that?

**Hon Mr Sampson:** Six thousand jobs. The member from Scarborough wants to know why we're doing this. I ask the member from Scarborough, are 6,000 jobs not important to you people over there any more? Do you not want to have jobs in this province? Do you not want to have capital investment in this province? Do you not feel it's important to relieve the congestion pressure in this province on the people in Halton and the people in Durham? I say to the member from Scarborough, he



clearly does not stand for progress. The member from Scarborough does not stand for 6,000 jobs.

**Interjection:** What does he stand for?

**Hon Mr Sampson:** I don't know what the member from Scarborough stands for, I say to my colleague from Halton. I've been in this House for some time and I'm still trying to understand what exactly the Liberals are standing for. One day you'll get a position, the other day you'll get another position.

I say to my colleague, 6,000 jobs, we believe as a government that's important. We believe as a government it's important to relieve the terrible burden you have laid on the taxpayers' shoulders. We believe as a government it's important for us to make sure that the infrastructure of this province is constructed properly, fairly and on time, and that's why we have this time allocation before us today.

**Mr John R. Baird (Nepean):** I'm pleased to have the opportunity to rise to speak on this motion. I believe that this bill provides an innovative way to fund a very much needed expansion of Highway 407. It is, of course, an incomplete highway and to let it sit unused, not helping the people of Oshawa, would simply be a non-starter for the member for Durham East. He's been fighting very hard for his constituents on this issue and —

**Mr Len Wood (Cochrane North):** On a point of order, Mr Speaker: Would you see if there's a quorum in this House, please?

**The Deputy Speaker:** Would you check to see if there's a quorum present, please?

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Deputy Speaker:** The Chair recognizes the member for Nepean.

**Mr Baird:** As I was saying, we simply couldn't let Highway 407 go unconstructed for fear of the wrath of the member for Durham East, who has been pushing very hard for his constituents, as have a good number of other colleagues, on this issue.

I want to discuss two or three things on this motion before us today. The first is the motion itself. It would refer this bill to the standing committee on resources development. How long have we debated this bill? In fact we've debated it over three days, just at second reading alone, for nine hours. Does that constitute a significant amount of time? I wasn't sure, so I consulted the legislative record and saw what other parliaments used in terms of debate.

In the 35th Parliament the New Democratic Party spent on average in their first session only 48 minutes debating a bill — sorry, that's on third reading. On second reading they spent about an hour and 28 minutes in their first session debating a bill; in the second session they increased it dramatically, to three hours and 55 minutes. By the third session it was four hours and 49 minutes. Of course, the third session only sat for 20 days because the Legislature was not called back so the opposition could

hold the government of the day accountable, something that is a staple of the Mike Harris government, where the Legislature is in session and is accountable to the people of Ontario. We look at this nine hours of debate. It's certainly significantly longer, 50% longer, than the largest sessions of the New Democratic Party.

Let's look at the Liberal government in the 34th session. On second reading they spent, in the first session of that Parliament, an hour and eight minutes, and in the second session they spent an hour and 38 minutes. What do we see here now? It's that Mike Harris believes we should be debating bills much longer than the Liberals or the New Democratic Party. Those facts may get in the way of a good line from our friends in the opposition, but just because they choose to ignore those facts they do not cease to exist. So we have nine hours of debate.

Does the debate end here, with that nine hours? No, that was in addition to seven months of in-depth study. The minister for privatization, the man who has taken the time to get it right, took seven months reviewing this issue, to reflect on the thoughts. He went forward to reflect on this issue, made an announcement some months ago that indeed this would be a candidate for privatization, and then brought forward legislation on first reading. There was a considerable amount of public discussion, then it came to second reading over a period of three days for more than nine hours, which is considerably longer than our colleagues in the opposition parties would have used. When you look at the facts, the numbers don't lie. The Mike Harris government is spending more time debating legislation on average than the past two socialist governments.

This motion would send the bill to the standing committee on resources development for even more debate. There would be a period for conducting public hearings and then an additional period to have clause-by-clause consideration of a bill that in its length is not long in comparison with other pieces of legislation. After that it would come back for yet more debate at third reading in this place, and the time allocated for that debate would be substantially longer than the New Democratic Party, which would debate things for an average of 48 minutes to two hours. The other socialist party, the Liberal Party, in the 34th Parliament on average in the first session debated bills on third reading for seven minutes.

We think the people of Ontario deserve more than seven minutes. That's why it's considerably higher under this motion, to allow more debate. But the Liberals, true to their word, got better in the second session, the member for Sudbury East will know. They went to 15 minutes during the 34th session.

**Ms Shelley Martel (Sudbury East):** Were they time-allocated? John, you forgot to mention that.

**Mr Baird:** The NDP record, I concede to the member for Sudbury East, was demonstrably better than the Liberal record. I concede her that point. The NDP did a better job than the Liberals. I concede that point. They are definitely the better of the two socialist parties in Ontario.

**1600**

Privatization is very important to the taxpayers. In the Common Sense Revolution, presented more than a year before the last provincial election, something rather unique happened. Rather than writing its policy platform on the back of a matchbook in the campaign bus during the election campaign, this government, this party and this leader put forward a plan more than a year before the provincial election, so that people would have a chance to resolve it. That was different from our friend Mr Peterson, who developed campaign strategy on the fly. He announced a tax cut during the 1990 election. The Liberals were falling in the polls, so they decided a tax cut should follow the Liberals.

This election platform was put forward a year before the election. Our election platform said the following: "Many of the things that government does can be done cheaper, faster and better if the private sector is involved." Specifically with the privatization framework this government has followed, we want to help boost the economy. There were three objectives to that framework: to see if there were better ways to improve service and value to the taxpayers; to identify where greater involvement by the private sector could help improve the quality, efficiency and choice of services; and to ensure that privatized services on business continue to meet public policy goals. I want to congratulate the minister for privatization. He took the time to get it right, in reflecting particularly on this bill before us today.

Under the framework, we have injected sound, proven private sector techniques into public sector activities in a good number of ways. In February 1998 we decided, after seven months of review, that Ontario doesn't need to own a toll highway. It's important to ensure that a new owner will start the construction of Highway 407, the east side and the west side, as soon as possible, because as the member for privatization said earlier, people in Halton, as the member for Halton North knows very well — he's been a big proponent of finding ways to alleviate congestion for his constituents — have been waiting for this since 1980. They shouldn't have to wait any longer. That's why the government wants to move, to get on with it.

I don't have time to go on all about the shortcomings of the Liberal and NDP governments and why they didn't start this bill. It wasn't a priority for the Liberal government. If you want to give some credit where credit is due, at least the NDP got the ball rolling on this issue. Despite increasing spending by more than 100% during their term in office, the Liberal government never got off the starting block, to start this thing. I'll give some credit where credit is due. The NDP government at least got this thing going. I know the member for Sudbury East just loves all the praise we give to the New Democratic Party. At least they got the ball going, but they didn't finish the job. That's why this government needs to step in, to move forward and finish this. We want to get going on this project.

The NDP government announced the privatization of Highway 407 as a toll highway back in 1993. It was to

have been in the form of a private-public sector partnership arrangement. The Minister of Transportation, Mr Pouliot, our good friend —

**Mr Marcel Beaubien (Lambton):** A good man.

**Mr Baird:** The member is a good man. I acknowledge that.

Minister Pouliot said, "We will also speed up preparations on the balance of Highway 407 so we can improve highway access to the Oshawa area." June 1993, two years, and nothing happened. Thank goodness the people of Oshawa had the member for Durham East fighting to alleviate those congestion problems. I know he has spoken endlessly about this to his caucus colleagues, to make this happen.

An interesting thing the Minister of Transportation said here, "We believe working with the private sector is the best way to improve our transportation network." That's not Tony Clement, that's not Al Palladini, that's Gilles Pouliot. I agree with Gilles Pouliot when he said that. He knows highways perhaps better than any member of this province, since there are so many curvatures in his constituency, and highways. I agree with him.

I also agreed with the Premier when he said, "The degree of private sector involvement in the financing and building of Highway 407 could enable us to do it even faster and at less cost." That's what the Premier said. That's not Premier Mike Harris, that's Premier Bob Rae, on February 10, 1993.

**Mr Wayne Wettlaufer (Kitchener):** The one who doesn't believe in socialism any more.

**Mr Baird:** "The one who doesn't believe in socialism any more," the member from Kitchener said. Yes. Indeed, this probably was the beginning of the end of his socialist dreams in his head. So that was interesting to note.

I want to very briefly talk about the importance to the economy of Ontario of getting goods and services through the greater Toronto area, because there is such solid economic growth in the province, and more people working and more development and more homes being constructed in the suburban parts of the greater Toronto area, that there is more traffic to take around, and this piece of legislation will seek to open up the GTA. Why? What needs to go off from the GTA? There are more products. Chrysler Canada is increasing their facility at Arnprior, and they're going to be bringing those goods forward to the GTA. There's terrific growth in the auto sector and in our exports, and we need to get these products through the GTA.

Highway 407 will be an alternative route. We still have Highway 401 and the other 400 series highways. It's important to note that on Highway 416 in my part of the province — and that's the primary access route, and we were very solid in our commitment to say there would be no tolls on Highway 416, no ifs, ands, buts or tolls on Highway 416. That is proceeding very well indeed. That will be completed hopefully by next August, a full year and a half ahead of schedule, because this government has delivered on its commitment for Highway 416 to the people of Ottawa-Carleton and indeed eastern Ontario.



I'm very pleased to yield the balance of my time to the very hard-working member for Durham East, since he has worked tirelessly as an advocate for his constituents on this very important issue.

**Mr John O'Toole (Durham East):** I'm privileged to share my time with the member for Nepean, who is the second-hardest worker in this House. In all sincerity, with Highway 416 Mr Baird is probably the person who got the shovels in the ground.

Coming from Durham, I drive to this Legislature every day, along with many of my constituents. Since the election in 1995, traffic has increased exponentially. Each year we're in office there seems to be more traffic. I finally analyzed it, and it's apparent to me that jobs are up, the economy is up. That's where you see it: You see it in the commuters back and forth every day from Durham. Highway 401 is the only commercial link to Durham, and I'm going to go through a bit of a history here of just how important it is for this government to get the shovels in the ground and get the business moving.

In my remarks earlier on this bill, I used a rather humorous line, but nonetheless it rang very true. I had a number of calls on it. I said, "If we build it, they will come." Those lines are from the movie *Field of Dreams*. It's really implying that if that highway is there, the economic viability of the eastern part of the GTA is absolutely dependent on the extension of the 407 into Durham region.

I know this issue has been on the books for some time. In fact, most recently — I'm going to go chronologically — just this past Friday the Honourable Janet Ecker and the Honourable Jim Flaherty as well as Jerry Ouellette and myself were in attendance at a meeting with the chamber of commerce. Number one of the items brought to our attention by the vice-president of the association, Mr Gerry Taylor, was, "What's the status of the 407?" I'm recounting to you that the president, Don Conaby, has asked us to feed back to them directly on this very important issue. They're asking if there is anything they can do to get the government off its duff and to get the shovels in the ground.

Just a little farther back, I have here a map of the 407 and the other transportation corridors, and if I look to the west part of Toronto I see the Queen Elizabeth Way, the 427, Highway 403 and Highway 407, all the linkages into the Mississauga and to the western area, the very heartland of Ontario's economy. I can make the analogy that the missing link into Durham of course is the completion of the 407 project, not just the immediate jobs, the 6,000 jobs that this will create for the economy of Ontario, for the people and the trades and all those who would be involved in the project, but most importantly the infrastructure to have the jobs in place for the people of Durham.

Not only that, but if I look at the 401, probably half of the problem — of course, there's a request for expansion of lanes to the east on the 401, which I endorse, but half the traffic on the 401 is large commercial vehicles. The argument could be made that if we can provide a fast

alternative, a route around Toronto, the 407, arguably we'd have to spend less money on maintaining and widening the 401. So it's critical for the future development not just of Durham but for eastern Ontario. The GTA represents probably about 40% of the economy of this very country and we have to have the infrastructure in place to make Ontario work.

#### 1610

This map clearly shows a deficiency from the 404. From the Don Valley Parkway east there is little infrastructure. In fact, to the credit of the previous government, they extended or started the 407. It was some time, as we all know, to get that moving properly, to get the project going. The only thing is, at the current time, as the minister said earlier in his comments, it ends literally in the middle of a community. I've driven it myself and found there's as much difficulty getting up to the upper highways, the 7A series or 48 or the other highways in that jurisdiction, or down to the 401. So we need a proper link to the 401 from the 407, and it's clear that the link should be in Durham.

I want to go through and, just for the record, name the people who were at the important meeting we had this past Friday with the Oshawa/Clarington Chamber of Commerce. There was Jack Barclay representing General Motors of Canada. General Motors of Canada tell me there are 2,000 or 3,000 trucks per day with the just-in-time inventory systems they have in place. It's absolutely required, not just for safety on our roads, to have the proper transportation infrastructure. There was Don Conaby, as I mentioned, from COMPUTE; Bruce Danford from the local newspaper, *Metroland*; Lloyd Fenemore, a business person, a chartered accountant in the area; Ian Johncox from Kitchen, Kitchen, Simeson and McFarlane; Gerry Johnston from Ontario Guard Services, who is very familiar with government business; Debra Sweetman, a barrister, a lawyer — all of these people were insistent that we make progress immediately — Bill Thompson from the Oshawa Centre, a very important shopping destination that would also be one of the more connected commercial links with this whole transportation network; MaryLynn West-Moynes from Durham College. Of course, Durham College and university centre is an important destination. Durham region has to have the infrastructure for the college and university centre, along with the highway, as well as the GO Transit system. I think Durham region is the place for opportunity and hope in this province. It's the future. Their time has come. There was John Williams from Hillebrand-Williams Consulting; Bob Malcolmson, who is the executive director of the Oshawa/Clarington Chamber of Commerce, and Wilma Metcalfe from the chamber of commerce as well.

There were other members in attendance. I mentioned Gerry Taylor, who is the vice-president of EDS Canada, a very large information- and technology-based company; Lynn Woods from Marshall Macklin Monaghan, a consulting firm, and a number of other people.

I couldn't list all of those in attendance, but out of respect for them today, I'm here to ask and ensure that this

government delivers on its commitment: a promise made; a promise kept.

I keep looking at this map as a reference point of just how little infrastructure there is for the people of Durham. There are almost 500,000 residents, many of whom, like me, commute every day to Toronto. If they're not into mass transit, using the GO system, they're on the 401. Let me tell you about the traffic from way before Brock Road, starting at about Oshawa and Park Road. I leave every morning at about a quarter to 6 and usually it takes me just about two hours, maybe two and a half hours, to get here, and most of that is purely a congestion issue. I've tried GO Transit, but because of our jobs we sit here until 9:30, sometimes 10 o'clock at night and there's very irregular service to the Oshawa area.

Very early on, when I was on the Clarington council and on Durham region council, it was an important issue. In fact, I'm going to try to flip through my notes here and find the resolution that was moved when I was a member of council on June 14, 1993. I'll read it for the record:

"That the previous motion passed by the council on Highway 407 be rescinded and that the council of the town of Newcastle, now Clarington, endorse in principle the proposed technically preferred route of 407 up to and including the connecting link to locate between Bowmanville and Courtice, commonly known as the Courtice link between 401 and 407." So there it is.

The member for Kingston and The Islands should know that this has been discussed to death. Of course, he's new here, like the rest of us. He wasn't here when they were in government. He was the mayor of Kingston. But this has been in discussion for the last decade.

To the credit of the NDP, I have to recognize —

**Mr James J. Bradley (St Catharines):** Make sure you give the NDP the credit.

**Mr O'Toole:** I mean that respectfully, that the NDP at least, even though they had no money, were still spending it. They were smart enough to go into a private sector consortium, but the only thing is they ended up with all the liability, all the debt. This agreement that the minister is looking forward to with Bill 70 is to allow this to develop as a full, functional, self-supporting commercial entity that ensures its viability of this. I'm sure the private sector will rise to the challenge.

I want to be assured, within the context of Bill 70 and this request for the opportunity to privatize the 407, that there are commitments, and I have this from the minister, to put the link in in Durham. We all know that the economics aren't there for the link according to the studies today, but clearly the persons who commit to this project and those groups of companies will recognize that if they build it, they will come.

If you look at the expansions along the western part, especially going through Mississauga, you can see that this is exactly the case. Imagine the head offices of major corporations that want to be connected to the Durham economy, the 500,000 people in that area. As part of the GTA infrastructure, this is an absolutely imperative piece to put this complete ring of infrastructure around the GTA.

Going back in my own personal experience to 1993, it's clear that I was on record as saying that this was the right thing to do.

I want to also make it very clear that I have assurances in this that the current legislative framework will permit the environmental process to be completely respected. I refer here to section 38:

"Environmental Assessment Act

"Highway 407 shall be deemed to be an undertaking as defined in the Environmental Assessment Act and, for the purposes of management of that undertaking, the owner shall be deemed to be a public body to which the Environmental Assessment Act applies."

You have it there very clearly that there's no opportunity for whoever the developers are to ignore the importance of the environment. I said in my earlier comments that it's a very important opportunity for the Durham region, but that does not relinquish the responsibility to respect the environment on the technically preferred route, to respect the farmland in my riding. It's very critical. To respect the Oak Ridges Moraine is very critical, the headwaters for many of the creeks that flow to Lake Ontario, the freshwater creeks for the trout and other wildlife in the area. It's an important link, but it must be done in the right way at the right time, and I'm confident under this minister that he will certainly respect those requirements and we will be in the ground as soon as possible, without ignoring the obvious commitments to our environment.

**1620**

I think we learn about the future by looking to the past, and history's the greatest teacher. I look at what the minister did when he took a look at the auto insurance situation in this province. All of us know that every single one of our constituents —

**Mr Bradley:** He cut benefits.

**Mr O'Toole:** The member for St Catharines would know that this used to be the oldest nagging problem for every member: What about the annual 10% car premium increase? Now you can see that Minister Sampson has gone through a very open consultation and we have a more effective, more accountable and more efficient and affordable system for the taxpayers of this province. Insurance premiums are nothing more than a tax if you look at it that way, and if this minister is the same individual with his business background, I'm confident that this is the right thing to do at the right time. We have the right person in charge, there's no question of that, and if there's any person here who wants to dispute that, I think they've got some explaining to do.

It's important to put on the record that the whole issue in Durham has been rather controversial. Not that they don't want it; they do want it. The chamber of commerce and every public elected person wants the 407 and they want it in Durham now. I think the controversy has been over where exactly that link route should go.

I have to respect the mayor of Whitby, Marcel Brunelle. I served with him as a municipal councillor and I have a lot of respect for him. I know the first priority in his area is the importance of all of Durham and all of the



GTA. But in looking for the most recent communications with the now Minister of Transportation, Mr Clement, this correspondence is dated February 17, 1998 — this is important, and I hope the other members will just listen for one moment and give freedom a chance or give this opportunity a clear, unconfronted ear:

“Easterly expansion of the 407 expressway

“The council of the corporation of the town of Whitby at a meeting held Monday, February 16, passed the following resolution in connection with the eastern expansion of the 407:

“Whereas the 407 expressway has intensified traffic flow along the Highway 7 corridor and its easterly extension, Winchester Road through the village of Brooklin; and

“Whereas this intensification will increase with further easterly extension of the 407; and

“Whereas the Brooklin area has and will continue to experience unprecedented residential growth; and

“Whereas Winchester Road is inadequate to handle the increased traffic flow; and

“Whereas the traffic will result in increased harm to the integrity of the village; and

“Whereas the traffic flow represents a serious threat to the safety of the village residents, especially children;

“Therefore, be it resolved that the Ministry of Transportation be strongly urged to construct a bypass along the village of Brooklin utilizing the 407 alignment to Winchester Road in advance of any further easterly expansion to the 407.”

Again, there is no discussion that they want the 407; it's really an issue of the linkage. Arguably we have been hearing the same discussion from Markham. The whole issue of having the current alignment of the 407 end in the middle of a community has been controversial.

I think I'll try to move along here and just put down for the record that the township of Scugog wants to be on the record as well. Their recent correspondence was in 1998, addressed to Minister Clement, and I'll read it: “Resolution to the province in support of the construction of the Lakeridge Road-401 interchange with 407.” There you have it.

I have always said if you look at this map that I'm always referring to, the map clearly shows the demarcation of where the urban area ends, and north of that, where the rural area starts. I think the 407 is widely needed, not just for jobs but for the economy of Durham.

**The Deputy Speaker:** Further debate?

**Mr Curling:** I just want to take this opportunity to make a few comments on this. As you know, my other colleagues will be making some comments here.

Many of the members here are speaking on Bill 70, but I don't think that Bill 70 is the focus now. It's the time allocation, which has become a routine procedure of this government as soon as they introduce any legislation. First of all, if they make a statement anyhow, they try to make it outside of the House. This is a way not to get criticism or any pertinent comments about the direction in which this government is going, and we have quite a few comments

to make about the way this government has conducted itself.

When it comes to legislation, if they are forced because of the procedure to introduce it in the House, what they do is immediately tell you that they have to restrict the time. Today, although we have one hour on our side to do that, we will of course share our time with the member for St Catharines, Mr Bradley, the member for Kingston and The Islands, the formidable individual who is our whip, and the member for Scarborough-Agincourt.

I'm trying to be as calm as possible, because I get really irritable about the fact that the democratic process has put 130 of us in this Parliament here so that when legislation comes forward we can debate it and have good discussion on this matter. But this government doesn't go this way. Since they have taken the reins of power in Ontario, they have restricted over 30 times with time allocation; 30 times when, when members were anxious to give their point of view, to speak on issues, they shut it down. In other words, they have no respect for the parliamentary process. They have no respect for the democratic process.

Today, many of them are wearing this poppy, a symbol of the fact that people fought for this democracy, fought to be heard, fought so that we don't have dictators and many of the regimes of the past that conducted themselves in such a manner that we said, “No more of this.” But the fact is that they continue to act in a very dictatorial and bullying manner.

On 30 different occasions, very important bills in this House that we'd like to have spoken on, we have been restricted. But again, they may feel that people are not observing them or it's going unnoticed.

I know they would love to have us, as the opposition, look rather irrelevant on things. But we know how relevant we are. You can see many days when we sit here and ask them questions in the House that few of these ministers are around. They are one of the most endangered species we have in the House these days. They don't come to Parliament to be accountable to the people. No. They hide. When we do corner one or two of the speakers, like the Minister of Housing — as you know, Mr Speaker, each time a question is asked of the Minister of Housing, he shifts it somehow. They're just hoping that time in the House will go away quickly, that they can have an opportunity not to be accountable. But we'll be vigilant in our process to make sure that this government, which has acted in a very dictatorial and rather bullying way, will be accountable. The ultimate accountability, of course, is the people.

Consultation is not in their language or vocabulary whatsoever. Consultation to them means speaking to some of their backbenchers in their own party and telling them to keep their mouths shut. Today I was observing how quiet they were when we were talking about school closings. Right in their own constituency they were shut out. Schools are being closed, and people want their voice to be heard. What are their members going to do about this

when the government enforces and implements the formula to have their schools closed? Not a peep out of them.

Sometimes they even go as far as a good colleague of mine, a person whom I like as an individual, the member for Scarborough West, who is the crime commissioner. At one stage, here you are, a government wanting to — which they have done — put guns in the hands of 12-year-olds. In the meantime, contradictory to it all, the member is out there bashing young offenders and bashing people and talking about zero tolerance.

**Mr John Gerretsen (Kingston and The Islands):** Squeegee kids.

1630

**Mr Curling:** Yes, let's bash those squeegee kids, let's get them off the road. He wants to take the squeegees out of their hands, the sponge mop out of their hands, and put guns in their hands and say, "That's the way to go." That sort of contradiction and confusion baffles me.

As far as they're concerned about consultation, their own backbenchers can only speak when they are told to speak. A sad affair. They were elected to do that.

The electorate are watching them rather carefully to see how they have handled these things over a couple of years. They feel they are right. As I said, when I look across at the mass of them over there on that side, the government side, they remind me of the Titanic. They are glib, they look well, they're dressed so wonderfully and they say, "Listen, nothing can touch us, nothing in the world, we're sailing along so well." One of these days we're going to give them some warning that there's an iceberg out there they will be accountable to. I call that iceberg the people of this province who want to have some accountability and some input into this.

I wonder what they're hiding. Why is it that they're shutting down this debate? Why are they doing this, putting time allocation to it? Maybe they're scared we might ask them: "If you're going to sell off this highway, what is the accountability? What process are you going to take?" Maybe they're scared we will ask, "Is there a process of saying how we'll be accountable to these individuals whom we'll be selling it to?" Maybe they've got a friend they'd somehow like to sell it to and we may be asking too many questions. Why are we having this debate? Why do we have to go through second reading and consultation? Why would we have to go to third reading? Why don't we just put time allocation to this and end it all so that the opposition would only have such a limited time to speak?

We understand that. We understand that that is what you may want to do. Then come out and tell us. Tell us why you don't wish to tell us what accountability process you have. Quite often, what is done when the Conservative government is selling off anything, they go into the backroom, talk to their little buddies and they sell it off, just like Ontario Hydro. Maybe they know immediately whom they're selling the 407 to.

Don't you think that the people have a right to know what the process is, what sort of money, what deal has been cut? Is it accountable? Is there a way that we can hold these people accountable? It doesn't seem that those

questions are too tough for them to answer. But can you imagine this government turning around and telling us: "Listen, we know what we're doing. We are the Titanic and we're sailing ahead. Just trust me. Trust me because I know, and we know what we're doing. We don't have to consult with you whatsoever because when we get down to it, we will make sure that we are very knowledgeable in the running of a public highway."

Many of the members over there have just said: "The minister has done so much research. He has done such hard work on this, he knows it all" — no consultation, no response. Here on the opposite side there are quite knowledgeable individuals, very knowledgeable individuals on the Liberal side. The NDP will have their contribution to make in this regard. There are individuals who can make their contribution towards this. But no, this government wants to say: "Trust me. I know what I am doing." We did that. They said: "Trust me. I won't close any hospitals. That's my mandate and that's my book I'm putting out here. I will not close any hospitals." But we know they're closing many hospitals today. Emergency wards are in crisis.

They said, "Trust us." He said, "I'm the Taxfighter and I will not increase taxes in this province, none whatsoever." We'll just change the name, to protect the innocent, to user fees. "We will bring in more user fees than taxes. Trust us, we won't do that." Can you trust a government that tells you: "Take my word for it. We don't need to debate this. Just trust me. Let's go along. We don't need a debate on this. Trust me. No taxes" — but we have taxes.

As recently as the weekend, you saw: "Trust me. I will not close any schools. I will put the weapon in the hands of individuals, and then if they want to close, we shall blame them." It's almost like putting the guns in the hands of 12-year-olds and saying: "Listen, guns don't kill people. People kill people. But I'll put the guns in their hands, and trust me, nothing will happen. Nothing whatsoever will happen in this regard."

How can you trust a government like that? The record speaks for itself, but the most important part of all this — I have such great confidence in the process — is that the people will realize that. If you want a visual aspect of this, many of the pages are at just about the age where the government would say, "I will put guns in the hands of all the pages here." Wonderful, intelligent people, but as I have stated before, if I put a bottle of beer in the hands of one of these kids here today, they would be charged; their parents would be charged. If I said to them, "Come on and drive my car right now; I feel you would have good fun and you could bond with me in that way," they would be charged — under age. They're saying: "Trust us because we know what we're doing. If we put guns in the hands of those young people, nothing will happen. It's just a matter of bonding."

Many of the debates that could go on in regard to many issues that are put forward here are restricted because of what we call time allocation. They don't want to hear the facts, they don't want to hear about the emotions on the



ripping, on the pulling, on the tearing of communities, on which they have done an awful job. I just want to comment that if you also carry out the same process with the school closings, you will see what happens. If you restrict any of that debate and consultation out there — you think you're closing a building so you can get your money to balance your books and give it to the rich, who don't really need it, so you can honour some political promises you have made. I'm telling you that the closing of schools is the gutting of a community. It's like the nucleus of a community, where people come together to discuss their issues of safety, their issues of sports, their issues of community living.

What have they done? They will not have any consultation. They will restrict any type of debate in this House because they cannot face that music. As I said, as with the Titanic they look ahead and they see the iceberg and say: "What a beautiful reflection of the sun, of the glistening waters down there. Isn't that beautiful? We're heading straight for it because of its beauty." The iceberg you see is people who are just waiting for you. These nice, glib individuals out there — unsinkable Conservatives, the unsinkable Harris — they themselves will find that without the heed of the people who want consultation, the heed of the people who say, "Listen to me, I'll tell you where you're going wrong, tell you all of that" — but you refuse, of course, because you don't want to listen to the people, you feel that you have it right. The flip side of it, what it really boils down to, is arrogance, bullying, dictatorial, undemocratic, and you feel that no one will ever you stop you.

If you continue in this process, if you continue in this manner of not allowing this consultation, of not allowing people to debate and discuss this, of not allowing people who have sent me here and many of my colleagues here to discuss the issues that concern the specific issues within their ridings — because of course 407 passes above my riding and also will encroach at some time on the Rouge River. We want to know what has been happening. Who's buying it, what will it cost? It is an opportunity now for me to tell you I'm in complete disagreement with the process and the way you conduct yourselves in this House. I just want to put those matters on the record.

1640

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to participate in the debate on time allocation to close off the debate on Bill 70, which is the bill designed to sell off the 407. Let me begin by saying that all of us are looking for contemporary and new ways of ensuring that our infrastructure in the province is refurbished and that the ways of the past obviously have got to be challenged. The previous government agreed to the construction of a toll road, the 407. It was a fairly big break for them to agree to that. At the time, the way it was positioned to the Legislature was that this would be a highway constructed by the private sector under a fixed contract, and financed by the private sector.

I was quite attracted to that idea, for a couple of reasons. One is that when the private sector is involved in

actually raising the money, there is often a strong litmus test. By the way, I always felt that the gambling casinos should be owned by the private sector. I always thought it was a mistake that all the gambling casinos being constructed in Ontario were owned by the public. I had always felt that if the private sector had their money at risk, you would be awfully sure that they would spend more time making sure there wasn't that big a risk. Similarly, I felt the 407 should have been, as originally planned, financed by the private sector.

The second reason is that, had that happened, the construction consortiums involved in the project could have taken that expertise and sold it around the globe. As it was, they were able to sell their expertise on the construction, but not on the financing.

This leads me now to this bill. My fundamental problem with the bill is that it results in the sale of the 407 in perpetuity. It is a bill that will forever and a day see the 407 sold into private sector hands.

The reason the government wants to do that is that there is not much doubt there will be an election sometime, I think within the next six to eight months. The government wants to get its books dressed up as best they can. If you sell the 407 forever, you will get the maximum price for it because, believe me, if you look down the road at this metropolitan area 30 or 40 or 50 years from now, we all know that that band where the 407 will run will be extremely crowded, just as we see the 401 now, which is about four or five kilometres south of the 407, completely congested even with what I think must now be —

**Mr Gilles Pouliot (Lake Nipigon):** Twelve lanes.

**Mr Phillips:** At least 12 lanes, probably more, running across. It's completely congested. Imagine if the Legislature had had this debate 40 years ago and had said, "We're prepared to sell off the 401 forever." That's what the government is asking us to do. Is that really in the best interests of the public, knowing what we all know, that it is only a matter of time before this road will be like the 401 is right now?

I don't know why the government — I shouldn't say I don't know why. I can tell you why the government is doing this. It's because they will get, sometime in the next six months, the maximum possible price for it. They will show asset sales. As I say, they are dressing the books up as best they can. But I think they've made a mistake here. They should have put, clearly, time limitations on the length for which they will sell this property off.

The second concern I have in the bill is that, as I read the bill, it still calls for the final agreement between the government and the purchaser to be private. I don't understand that. I don't understand why it would not be a public document. As a matter of fact, I can remember Mike Harris in a rage —

**Mr Pouliot:** Big time.

**Mr Phillips:** My colleague Mr Pouliot, as these things happen, was the NDP minister at the time, and a fine individual, I might add. Mike Harris was absolutely apoplectic because Mr Pouliot would not make the contract public. Mr Turnbull, who was —

**Mr Baird:** Say it isn't so.

**Hon Mr Sampson:** Say it isn't so.

*Interjections.*

**Mr Phillips:** I didn't mean to get Mr Pouliot into difficulty, but now here we are, and this is, for me, quite a turn of events. Mike Harris wants to keep the contract private and he wants to do it through legislation. He's going to make absolutely sure that the contract is private. For those who read the fine print —

**Mr Pouliot:** On a point of order, Madam Speaker: With apologies to my distinguished, esteemed colleague and friend, Mr Phillips, he said, and it's verbatim, recorded in Hansard, that Mr Pouliot, when he was minister, would not make the contract public. As the former Minister of Transportation under the New Democratic Party government, I can assure you that our system was supervised by Price Waterhouse. I can assure you that everything —

**The Acting Speaker (Ms Marilyn Churley):** Member for Lake Nipigon, that is not a point of order. Take your seat, please.

Member for Scarborough-Agincourt.

**Mr Phillips:** Thank you. I'm sure it was.

We're dealing with Bill 70, which is the bill dealing with 407. It talks about, "Without limiting his or her powers under sections 2 or 3, the minister for privatization may," and then it essentially gives the minister an absolute blank cheque, "(a) determine the assets to be transferred; (b) determine the consideration to be paid for the assets; (c) establish terms and conditions relating to the management of Highway 407; and (d) at the direction of the Lieutenant Governor in council, incorporate or cause to be incorporated" etc.

It's really a blank cheque. I just say to ourselves, here we have what will be the second major artery running through this urban area: the 401 and then the 407. It will be extremely crowded in 10 years and will be not unlike the 401, I suspect, in 20 or 30 years.

"Let's let the private sector build it": We have no difficulty with that. "Let's get a fixed price": no difficulty with that. "Let's finish the 407": no difficulty with that. "Let's get the private sector financing that": no difficulty with that. But why would the government not limit the length of time in which the private sector would own this so that the public would not be 30, 40 or 50 years from now continuing to pay and pay and pay?

After all, recognize what we're selling here. It is a stream of revenue. That's what these companies are going to buy, a stream of revenue — tolls, and a guaranteed stream of revenue — because the province is not going to construct another major highway within many kilometres of this highway. All of the planning for the area has been based on this highway taking an enormous amount of traffic.

As I conclude my remarks, I find it unfortunate that the government didn't spend the time on this bill to, in my opinion, protect the public interest. It is another good idea gone bad. It's like health restructuring is a good idea and then it's gone bad. It's like all of us want to change the

education system and then suddenly Mike Harris brings out what's called a funding formula, an idea to improve the education system, and we end up with hundreds of schools being closed.

Here we take a good idea, which is to help to fix our traffic, to utilize the strength of the private sector for a short-term gain. The short-term gain is that they will, without question of a doubt — the purpose of this bill, in perpetuity, is to heighten the selling price, drive it up. As one of the Conservative members said the other evening, this is a great time because you sell it in perpetuity. It hikes the price. The low Canadian dollar will surely attract some very interested buyers from outside our borders. So it's a short-term fire sale. I don't think we need to do that. We can accomplish our same objectives without selling this thing forever.

**The Acting Speaker:** Further debate?

**Mr Gerretsen:** There were some very interesting points raised by the member for Scarborough-Agincourt. They are much like the points that I've raised with the minister himself as well some time ago. Last week, as a matter of fact, I specifically asked him, "Give me a good reason why it's in the public interest to sell the road." Of course, he likes to talk then about all the jobs that it's going to create. We know that when you build a new piece of road jobs are going to be created regardless of who builds it, whether it's the private sector that builds it or whether it's the public sector that builds it. He seems to talk about it as if, if the private sector does it, the jobs that are being created in order to build the highway are different from if the public sector does it. I think that makes absolutely no sense at all.

**1650**

The only reason he and members on the other side have given me over the last two or three days that we've debated this is the fact that \$1.8 billion will be taken off the public debt of this province. That's the reason that has been given. Hansard will clearly show that. I say to the minister, if he's really that concerned about taking money off the public debt, why did they, during their watch, allow the public debt of this province to go up from \$88 billion to \$115 billion, where it is right now? He could say, "Obviously, we couldn't be expected to balance the budget on the first day that we were in power," and I agree with that. But I say a good \$10 billion of that \$27 billion that it has gone up since they've taken office is due to the tax cut.

I'm in favour of a tax cut. The problem is that you can only afford a tax cut once the budget of the province has been balanced. You cannot afford to give people tax cuts when you're still running a deficit on an annual basis.

**Mr Wettlaufer:** You guys campaigned on a tax cut. What are you talking about?

**The Acting Speaker:** Member for Kitchener, come to order.

**Mr Gerretsen:** I'm just saying to him, Minister, if you were concerned about the \$1.8 billion being taken off the public debt, and that's why you want to sell this highway, were you the person in cabinet who argued against the tax



cut on the basis that we do not want to increase the public debt of this province? Every time I say this it always creates great furor in the House, because the members on the government side know that what I'm saying is so. The interest on the public debt annually has gone up from \$7.2 billion back in 1995 to \$9.1 billion today, almost \$2 billion more than what we spent on the interest three or four years ago, and of course this in a time of low inflation.

I suppose what we should be talking about here is time allocation. The general public out there must be totally confused about time allocation, because this comes up in this House on at least two or three occasions each and every week. This is the 30th time — and I've got a complete list here starting in October 1995 going right through 1996, 1997 and now 1998 — that this government has invoked closure and time allocation.

I say to the government House leader, if you want to do away with the need for time allocations, why don't you bring forward at your House leader meetings a schedule, a program, as to what you intend to call during a particular session of Parliament? Say: "On Monday afternoon we're going to call the transportation bill. On Monday night we're going to call a budget bill." I think it would be a lot easier then for the people of Ontario to follow what we're debating here on an ongoing basis. A schedule can be published, both on the parliamentary station and in the newspapers, so that people, if they're interested in a particular bill, can actually know that on Wednesday afternoon they'll be discussing a bill dealing with property tax reform; on Thursday afternoon it will be a bill dealing with the sale of the 407, or whatever.

While I'm at it, of course, there are still hundreds and thousands of small business individuals throughout Ontario who want to know when this House is going to take a look at the latest bill dealing with the assessment situation in Ontario. Why hasn't that bill been introduced? People at one time were told, "You'll have until October 31 to appeal your assessment." I know I've been getting calls in my constituency office from people whose taxes have gone up 30% or 40% asking: "When can I appeal? Did that piece of legislation pass? The Minister of Finance said he would bring it forward. Why didn't he do so?" He still hasn't done so.

We understand that the bill may be introduced, probably not this week, probably once we come back in early December. It's obviously done in such a way to orchestrate the fact that it needs to be passed immediately so it cannot have open and public debate and it cannot go to committee for any length of time where we can have some input from outside of this chamber as well. That's what it's all about. People are confused out there, and this government is adding to that confusion in just about every piece of legislation they bring forward.

Of course, then from the other side, whenever you get into a fairly serious debate on a particular issue, you get the personal attacks going. That's always good for the level of debate. They start attacking people's individual personality or what they think that person may have done

in the past, or this, that or the other thing, rather than sticking to the issues.

The issue here, quite simply, is this: Number one, why don't you work out a schedule with the other House leaders so that everyone can know some three or four weeks in advance what piece of legislation is going to be called on what day and the public can be better informed, so that you don't have to have all these closure motions?

Number two, dealing specifically with this bill, why do you want to sell this highway and the rights to build the balance of the highway? You can get the same job creation activity going if the government were to do it. So far, not an adequate reason has been given, particularly when you take a look at the bill and you see it has such wide powers in it for the minister. There's absolutely no transparency or anything like that in the bill. The bill basically is wide open. The other day I went through about four or five sections where the minister on his own behest can do almost anything without any transparency to the general public.

There are some very interesting sections in the bill. I'm not sure whether the members of the government even know that this particular roadway, Highway 407, is exempted from planning approvals, municipal bylaws, tax assessment requirements and other matters, to parallel this situation. That is really something, and I'm sure the member for Nepean wasn't aware of that, that this particular bill exempted any local municipal bylaws or planning approvals or tax assessment requirements. That's just one example. I could give you a few more. It allows all sorts of things to happen which have absolutely no public input, in which the public does not have a right to know what's going on with respect to this contract.

I simply say this: If the government is interested in setting out a schedule of debate, then meet with the House leaders and work out a schedule so that everyone knows exactly what's going to be debated over a particular session of Parliament. Also, call the most important legislation that you yourself have talked about first, so that the people of Ontario know what's going on.

I think the biggest error that this government has made in the last couple of months, outside of its school closure policy, which we know is affecting about 500 different schools and thereby communities in our province — that is an absolute travesty, what's happening right now across the province, and you saw the display today where both the Premier and the Minister of Education basically tried to blame the boards of education: "It's their problem." It is not their problem. It's their funding proposition, their funding formula, the way in which schools are funded by the province of Ontario, that's the problem. I think the people of Ontario ought to know that.

Certainly, the biggest area where there has been absolute chaos is the property tax area. Seven different bills have been introduced now. All of them are wrong. The small business owners of this province are now presumably going to get a bill, if this final bill ever gets introduced and passed, which would in effect tell them: "As a result of assessment changes, you may have thought you were

getting a 40% or 50% tax decrease in your situation but, sorry, we were wrong about that. It's only going to 10% this year. That's all you're going to be allowed by way of a decrease from last year." How do you think the business owner is going to feel about that? They're not going to like that.

I will now turn it over to my colleague from St Catharines, but I once again call upon the minister to tell this House, without personally attacking people's motives or anything like that, what real advantages there are to privatizing this road over having the government build the last portion of the road. So far, we haven't heard that from him.

**The Acting Speaker:** Further debate.

1700

**Mr Bradley:** I should report to the people of Ontario that while we're dealing with this closure motion choking off debate on yet another piece of legislation, I was just handed another closure motion, yet one more closure motion choking off debate on yet another bill in this assembly. I would never see this happening in the courts of Ontario. I know my friend from Ottawa-Rideau must be very perturbed to see yet another time allocation motion being thrust on this House. So there's yet another. I'll give it to the opposition whip to see what it's all about.

We should not be debating a time allocation motion. I'm going to talk about some of the things we should be debating in this House that wouldn't require a time allocation motion, I'm certain.

One is the government advertising program that we see taking place in Ontario now.

**Mr Wettlaufer:** Why don't we talk about the Liberal advertising program?

**The Acting Speaker:** Member for Kitchener, come to order. You're not even in your seat.

**Mr Bradley:** Every time somebody turns on the television set now, they see a self-serving, highly partisan ad campaign on. If you watch the football game on Sunday, even if you watch an American channel, they impose Canadian advertising on it, so you get to see all of the government of Ontario ads. You see the child pulling the Band-Aid off. That's a \$3-million Band-Aid, by the way, that's costing the taxpayers of this province; not the very rich Conservative Party, which has its coffers full with donations from the very richest and most powerful people in this province, but rather it is coming from the taxpayers of this province.

I think of Ian Strathern of Niagara Falls. I raised his case in the Ontario Legislature, as did Dalton McGuinty, who was asked by Mr Strathern subsequent to a speech at the St Catharines and District Chamber of Commerce about the situation facing Ian Strathern.

I have received a press release that was put out by his father, David Strathern, which talks about his concerns. Here we have a government blowing \$3 million on yet another advertising campaign, yet they're fighting Ian Strathern and his family from getting funding to look after this individual. Let me share with you the press release. It reads as follows:

"Ministry of Health Move to Block Ian's Appeal." That's the headline.

"Ian Strathern, a life-support ventilated quadriplegic that has been fighting for his right to remain at home with his family and to continue his education at Brock University has had another obstacle placed in his path.

"The Ministry of Health has committed thousands of dollars of health care money to a legal battle with the Strathern family. The ministry have objected to Ian having his day before an impartial tribunal provided for by the legislation governing the home care program of the province of Ontario. Ian's family, who are already spending \$1,500 per week for nursing services because of the Ministry of Health's failure to provide an appropriate care plan for their son, are now facing legal fees. A lawyer to represent Ian in his right to receive services as promised by the Long-Term Care Act has been hired by the family. The legal fees expected from this activity and the ongoing costs of providing care for their son places a huge financial burden on them.

"The local office of the Community Care Access Centre agree with the Strathern family that Ian should be allowed access to the Health Services Appeal Board. This committee reviews complaints by those receiving services at home by the home care program now provided by the Community Care Access Centre.

"The Ministry of Health has gone outside the legal support structure offered by the Attorney General's office and hired contract legal advisers from a downtown Toronto legal firm. This action creates an additional cost to the health care system, a system that is suffering from underfunding already. To direct additional dollars to outside contract lawyers has got to be a waste of scarce financial resources."

David Strathern, Ian's father, states: "We expect the Ministry of Health to claim that the home care program provided through the regional community care access centre office is not approved by the Minister of Health. It is our understanding that many families in similar desperate circumstances have been blocked by this unfair tactic by the ministry and therefore denied access to the appeal process. We have a plan to address this issue and block this heavy-handed approach by the ministry."

Mr Strathern states: "If the ministry claims that the home care program is not an approved program by the Minister of Health, then the \$90 per capita spending in Ontario for home care is being spent by an unapproved agency. This total, nearly \$400 million of taxpayers' money, is directed to an unapproved agency providing service in an unapproved manner to the citizens of this province. It completely baffles me as to how, on one hand, the CCAC regional office agrees with Ian as to his right to access this appeal panel while on the other hand, the Ministry of Health are prepared to launch a costly legal challenge preventing him from receiving the impartial review promised in the long-term-care legislation."

The hearing is scheduled in Toronto on November 25, 1998, where a review of this challenge by the Ministry of



Health will be made. This is a press release dated October 31 by David Strathern.

Let me tell you something: David Strathern, the father of Ian Strathern, must be absolutely furious when he turns on the television set and sees the government squandering millions of dollars on government propaganda ads, or when he opens up the newspaper and sees Mike Harris's mug in there with a smirk on it while he's spending a lot of money advertising one thing or another, or when he goes to the mailbox and picks up an advertisement of some kind, a pamphlet, whether it's on education or welfare or health care, whatever it is. Mr Strathern must be furious. Or when he turns on the radio and listens to the jingles and commercials from this government.

Mr Strathern has put out this appeal, this press release. He has every right to be, first of all, seeking that assistance for his son and, second, to demand that the government stop its advertising program, which takes so many needed dollars from programs such as this.

Let me review for you the history of this. Ian Strathern, a young person, was injured in a hockey game. As a result, he was left a quadriplegic. He has struggled to lead as normal a life as possible. He needs care on almost a continuous basis. His family has provided a lot of that care already, but he needs some additional care. They went to see Mike Harris at a fundraiser in St Catharines. They attended this fundraiser, which was held at the Ramada Parkway Inn in St Catharines, and Mike Harris was there. I think they talked to Mike Harris, and his handlers said, "He's very concerned about this." They quoted the Premier in the paper saying how concerned he was about this, and the implication was that the Premier was going to do something about it.

We waited several weeks. That was May 7 in St Catharines, where there was an overflow number of people at the fundraiser — I want to say that — shelling out, how much was it per ticket on that occasion? I think it was \$150 at a minimum. There they were, the Premier giving his promise. A month and a half later, giving the government a chance to deal with this, Dalton McGuinty rose in the House in late June 1998, this year, having given the government all the time it needed, he felt, to deal with this. He raised it with the Premier. Once again the Premier gave some kind of response as though he was going to do something about it.

1710

On September 30, at the annual meeting of the St Catharines and District Chamber of Commerce, Dalton McGuinty, the Leader of the Opposition and leader of the Liberal Party, was the guest speaker. At the conclusion of the remarks, they asked for questions. Mr Strathern went up to the microphone, brought an update to everybody at the meeting, and then asked the question, should his son, a person in these circumstances, not have access to care? Of course he should.

Then I raised it in the Legislature. I gave another week, because the ministry officials seemed to be looking into it. We went into the next week and nothing happened, so I raised it in the House again. I got an answer. The Minister

of Health — it was a hot potato; she couldn't handle it. She fired it over to the minister responsible for long-term care. He blustered about it and blamed everybody else. The fact is that the ministry is spending all kinds of money on legal fees to prevent Ian Strathern and his family from even appealing. All he wants to do is appeal to the Health Services Appeal Board. But the ministry has hired downtown Toronto lawyers through the Ministry of the Attorney General to fight Ian Strathern in his battle to receive the kind of service he needs. So he has to be concerned about this advertising program.

I found it interesting, there was a document that appeared today from my friends in the third party. They were kind enough to share it. I want to say that today. The document is entitled, "Creative and Copy Strategy." If anybody thought Mike Harris's ads, the \$42 million worth of ads which are strictly propaganda ads — remember, this government's undertaking a lot more advertising than that; there's a different kind that governments do. But this is on the propaganda ads alone. If you thought these ads were just informational, let me tell you what the secret document says. It says the following:

"As we proceed with this phase of the campaign, we should be reminded of some of the 'first principles' that have been learned. These first principles include:

"Our creative" — that must be their advertising documents — "must influence both the hearts and minds of our target audience. To be effective, our advertising must leave the target audience feeling comfortable with trusting the Mike Harris government with Ontario's education system. The emotional impact of our advertising is perhaps even more important than the content of the copy." Does that sound like an informational ad? Of course not. It's a public relations agency involved in this ad, wanting to do what in essence, if the Conservative Party wants to do it, they should be paying for.

It goes on to say, "There is a strong aversion to copy that is glib, vague or over-written, and which makes unrealistic promises. Our copy must be...."

"The audience will be far more likely to sympathize with our message if it is presented in shades of grey, not as black and white. This principle has been developed through Jaime Watt's observations of focus groups over the past several years."

Jaime Watt is an adviser to the government on these matters of advertising. He worked for the Tory caucus before, and he has reappeared now working for the Tory caucus as an advertising specialist. So this has nothing to do with information; everything to do with propaganda. That's why I'm wondering why I haven't read editorials in all of Ontario's papers condemning this, or heard the cranky talk show hosts in the major Toronto media condemning it, or perhaps heard the taxpayers' coalition come out with a press release on this, or the Canadians for Responsible Government and the one Stephen Harper heads up. I thought all those people would be complaining about it. It's quite obvious and clear that it is this government advertising.

Let me quote from other parts of it: "Messages and Issues:

"To be successful, our creative must be so straightforward and realistic as to completely evade the public's 'political propaganda' meter. The audience must feel that the ads are informative and helpful."

Do you know what that sounds like to me? I think it's pretty clear. They said: "We've got to set these ads up so the people don't think they're political propaganda. We've got to pretend the ads are informative and helpful." This is sheer public relations, nothing to do with providing information.

They put a "Key Insight" in here: "Although gap voters like our education reforms regarding standards, they believe that money remains their primary motive." You know something? They're right, money is the primary motive.

They go on to say about the "Brand Character," the next title:

"This concept is critical to our success in setting the right tone through this phase of the campaign. A believable brand character statement will guide our positioning and help us build the right relationship with the target audience. It should be designed to increase the level of trust the audience has in our government with respect to managing the education system."

I go down near the end:

"Advertising Concepts:

"Drawing upon our consumer insights and brand character, the general concept for this phase of our campaign can be summarized as follows. Keep in mind that this is not an advertising script per se, but rather messaging parameters that could help the agency to hone in on specific things that the audience should take away from our campaign."

So clearly it is an advertising campaign, and it's absolutely an abuse of public trust. As the Brantford Expositor said so well, and I quoted them earlier in the day, when talking about this advertising campaign:

"When the Tories took office three years ago, they set themselves up on a higher pedestal, promising fiscal rectitude and vowing to bring an end to pork barrel politics. In fact, it was an essential ingredient in their whole strategy: Convince Ontario residents that everyone had to share the agony of cutbacks and downsizing on the road to the Common Sense Revolution.

"But as we see so clearly this week, the concept of sharing ends at Queen's Park. At the same time that school boards are closing schools, cities are cutting services and some municipalities are having trouble containing their tax increases due to downloading, the Harris government has managed to find millions to spread the word about how wonderful the Premier is."

The editorial from the Brantford Expositor goes on to say:

"Maybe the Tory brain trust figures you really can fool all of the people all of the time.

"However, we have a higher opinion of the intelligence of Ontario voters and firmly believe that they will see this

Tory spending spree for what it really is, a shameful and deceitful abuse of power."

Indeed it is an abuse of power on the part of this government, just as this time allocation motion is an abuse of power. That's how I got into an abuse of power.

I want to tell you as well that people who see these ads, whether it's the ads on education, whether it's the Premier's mug in the newspaper congratulating jobs being created, whether it's the ad in the form of a pamphlet in the mailbox with a return where you can send back your comments — that's just so they can get you on Tory fundraising list, probably. That money could be spent on allowing PSA tests for people who have a concern about prostate cancer. This is called a prostate-specific antigen test and it is considered to be quite a reliable test to at least give an indication if a person might have prostate cancer, someone who wants to catch it early. They have to pay for the test now in Mike Harris's Ontario. That's OK for Conrad Black; he's got the money to spend on that. But other people who don't have the money have to pay for that, and it's often more elderly people.

I got call from Mike Lazarenko in St Catharines today. He was complaining that seniors now have to pay a \$25 charge for eye examinations. He is a senior and he has diabetes, so he requires those kinds of examinations. His wife has a condition which requires her to have an examination every six weeks; she has to pay \$25 every time. That's Mike Harris's Ontario. You will remember that Mike Harris said, "A user fee is a tax, there's no difference." So he has put yet another tax on. I've counted 476 tax increases since this government came into power, because they're increasing the user fees.

Those who want to see Dr Beiko in St Catharines, who's an ophthalmologist, are restricted from doing so because there's a cap on his billings.

1720

**Mr Tom Froese (St Catharines-Brock):** Tell them how much he earns.

**Mr Bradley:** The member for St Catharines-Brock says, "Tell them how much he earns." The people are more concerned about the service they're not getting now because Mike Harris has decided there shall be a cap on the number of times they can see a doctor they really like and really respect.

Now there's Anthony Chuck. Anthony Chuck phoned me a while ago. He was complaining about the \$2 fee for seniors' prescriptions. I said, "We've raised this in the House a number of times, Mr Chuck, and we know that as a senior, in your years gone by you've contributed immensely to the people of this province and now to stick you with a \$2 user fee is unfair to seniors," especially when Mike Harris has \$42 million to spend on an advertising campaign on television, radio, in the newspapers and in pamphlets coming to houses.

The Hotel Dieu Hospital is going to have its door slammed shut by the commission set up by Mike Harris. It's called the restructuring commission. We even have the member for Lincoln on our side now. I'm happy to see him join us in this effort to keep Hotel Dieu Hospital open,



because there have been many of us who have been fighting this battle for three years. First of all, we had the local restructuring commission, having to deal with about a \$40-million cut in the operating funding to our hospitals, coming up with a plan that would close Hotel Dieu. Now the boots have been put to the Religious Hospitaliers of St Joseph's. They're gone, out the door, just the way they were in Cornwall and in Kingston, because this government wants to get rid of Hotel Dieu Hospital. I'm going to tell you something: The people of the Niagara region will not stand by and see their hospital doors close, not a hospital that has served them so well.

I know my good friend the member for St Catharines-Brock and I attended an event, a launching of a book on the 50th anniversary, and he had a scroll from the Premier he read out saying what a great job Hotel Dieu had done over the years, wishing them well in the future. Now they're wondering what they should do with that scroll, and there have been some suggestions which cannot be repeated in this House as to what they might do with the scroll the Premier sent to St Catharines to do with the Hotel Dieu Hospital.

There are many people as well who are concerned about tuition. There are students concerned about tuition. Mike Harris said in St Catharines, when asked about the graduate programs: "They shouldn't be complaining. It will just be an extra year before they get their BMW." People sat there shocked at hearing this from our Premier.

Rent control has been removed. Seniors and students are really hit by this. The downloading on municipalities has shot the costs up municipally. There's tax chaos throughout the region. The province owes \$18 million to the region to make up for the downloading that's taken place. Now they're going to close schools. The people around Merritton High School are very concerned, and other schools in St Catharines. There's instability and chaos and disruption in the education system. What do we get in this House? Any answers? No, we get another time allocation motion choking off debate on yet another piece of legislation.

**Mr Pouliot:** Madam Speaker, I come to you for help. It seems that every bill which has been tabled in this House is accompanied by a closure motion. We're talking here about the privatization, the intent to privatize what was our flagship when we were the government, the most important highway project ever commissioned in the province, that of Highway 407, exceeding \$1 billion, 20,000 jobs. Now they wish to give it away.

Ontario is open for business. That's what they say. They're shutting down hospitals, they're shutting down schools and they're unloading concrete. Maybe what they're saying is that the road, whichever, doesn't lead to too many places once you get rid of hospitals, get rid of schools and have a friend of a friend of a friend purchase the highway.

I don't envy the minister's position. The minister responsible for privatization, if I may be so bold, must be under one heck of a lot of pressure. He must have a fire sale. He must unload Highway 407. He's without

portfolio. As the minister for privatization, his record to this date is immaculate. He has done nothing, and in fact rumour has it he's about to lose the car if he doesn't come across and do something. But he wants to be with portfolio. He has to sell something. This is a fire sale. The estate has to go.

If one had seen the minister perhaps or someone had reported this last Saturday, Halloween Day, on Bay Street, one could be so bold as to suggest that the minister would have been wearing an oversize trench and saying: "I'm on Bay Street with all the millionaires. Do you want to buy a highway? Have I got a deal for you." I wouldn't put it past him. It's not something we would do.

**Ms Martel:** Dark glasses.

**Mr Pouliot:** Fedora. You know, with that furtive look about him. I wouldn't put it past him.

"Explanatory note: The bill allows the minister responsible for privatization" — the guy with the trench — "to transfer the crown's interest in Highway 407 to a private party."

Who is the party? The taxpayers have invested a lot in the infrastructure and in faith of successive governments. Is it someone that is a friend of a friend? Because this is a fire sale. Is it someone who treads the circle, who you will find at a certain private club? Who are those people? The taxpayers wish to know, because when you sell the highway, you're selling it forever, in perpetuity.

Under our administration, we said once the highway is paid for, you have the commitment of the government that the motorists will not have to pay additional tolls, but that doesn't seem to be good enough. You will pay, pay and pay again and say little.

We're asking a legitimate question. There was a study, you will recall, on privatization, paid for by the taxpayers of Ontario. The study was to tell us the intent and spirit, what style, what method, what approach the government would wish to take vis-à-vis its intent to privatize. We paid and we never got the ticket.

**Interjection:** But David Lindsay got a job out of it.

**Mr Pouliot:** Mr David Lindsay obtained some tenure out of it. I don't know David Lindsay, and I'll be fair. I want to wish him well. But why is it that when the taxpayers, people who are paying for all this, are asking to have a clear, transparent process, we don't have accessibility to what really is ours? We give the government a gift and they give us a gift back, a gift that we never get. Is it asking for too much? Now, again, they have the audacity, the gall, to move closure. We're debating, be it very structurally sound, a piece of highway. They're about to unload our infrastructure and they're moving closer.

Dave Lindsay was just about to have the job, and even then they couldn't respect the engagement, because Mitch Patten cut him off at the pass like you see in the western movies. My God, so they felt sorry for Mr Lindsay, but they said: "Not so fast, David. We know that you have been zapped, because Patten got the job." So they sent him to Ontario Hydro. I'm sure that at Ontario Hydro he is very well connected. You can take that to the bank. He did OK — US\$250,000.

1730

There is no need to move closer. There is no need to give free hand to the future owners of our most prestigious highway, the 407. Those people will milk it. It's an invitation to do it forever in perpetuity. There is no protection for the motorist — little.

It makes no sense. What's next? You buy the 407 and you get two nuclear plants? Are we to expect this? It's not far-fetched; with these people it's not. "Or we'll throw in a couple of bridges. Close the schools, close the hospitals, unload the highway. Ontario is open for business." Not to my way of thinking.

This government simply has an attitude. They're on their heels. They've antagonized a lot of people simply because they've moved too fast. They are ideologues. Conservatism — there are so many "isms" among the lot that they constantly hurt people and then they need to defend themselves, they feel sorry, and they whack you left and left. Many of my colleagues share the same sentiments as I do. Highway 407 is yet another example.

**Mr Froese:** All 16 or 17 of you.

**Mr Pouliot:** The member opposite says, "All 16 or all 17 of you." I recall so vividly the good old days when there weren't that many more of you, but you sold your salad pretty well, you sold your goods, your wares, and you put it all in the Common Sense Revolution. If you were vulnerable you got whacked. But it was OK, it was sensitive: whack real good, big time. Your minister responsible for the vulnerable, social services, says, and I read it: "If we cut you off welfare, we're doing you a favour; it's good for you. It's good for you to find housing." Mathematically, I haven't arrived at that kind of reasoning yet, thank heaven, but obviously she has, because you're supposed to find the motivation sleeping on a bench across the street.

Minister, I don't envy your position. You've been asked to carry the can, to carry the spear for your government. You must be told what to do. You're on the prowl. You're searching to unload Highway 407. You're salivating, you can't wait, so what you're saying is: "We're going to invoke closure. We will not let the opposition speak too much on our intention to unload Highway 407."

**Mr Christopherson:** It's always a joy to listen to our critic and former Minister of Transportation speak to the transportation issues of the day. I just want to pick up on two quick themes he touched on in terms of the actual bill itself. Then I want to speak for the other few moments that I have to the issue of closure and this government's lack of respect for democracy, and a very clear track record of that, I would remind everyone.

First of all, one of the things — and I have had a chance to talk to the minister very briefly, informally, about this here in the House — is this business of the tolls remaining in place forever. The minister says to me that there's maintenance and there's to be expansion and a few other things, but I had a lot of difficulty understanding how it is that those costs — maintenance, even some expansion down the road, all of those things — are to be as great if not greater than the original cost of developing

and building and opening this piece of highway. It sounds to me like we're selling one of the printing presses because you're going to be able to keep those tolls in place.

What struck me was the Skyway bridge in Hamilton. I remember when I was younger there were tolls on there, but they came to an end. There was an end to the tolls because eventually the bridge was paid for. I'll tell you, if nothing else, it sure made the people of my area of the province feel like we had achieved something, just like a young couple starting out, buying a home, taking on a mortgage; it seems like a huge amount and the day's never going to come when it's paid for. You pay day after day, year after year and eventually you reach that point when it's paid and that glorious moment comes when you can have the mortgage burning. We felt that in Hamilton when the bridge was paid for.

Interestingly, since then there's been a twinning and there wasn't a toll placed. There was a recognition this time, I believe — I wasn't here at that time but it seems to me the thinking would be that this was a major part of the transportation infrastructure of not just our region but the broader region, certainly one of the clear transportation gateways to our biggest trading partner to the south.

We faced a situation, however, where we needed to expand again in Ontario. Finances were of course tight. Free trade was costing us hundreds of thousands of decent-paying jobs in the manufacturing sector. The recession was taking hold. Mulroney was backing away from joining with provinces in getting through recessionary times, which had always been the way in the past. Capital had decided that as much as they could, they were going to go on strike because they didn't like some of the things we did. Yet, we knew as a government that we had an obligation to invest in this part of the provincial transportation network.

The toll decision was very controversial, but it was meant to have an ending. There would be that day I spoke of in terms of the young couple, where you would have it paid for. When it was paid for, then it would be treated the same as any other part of the Ontario transportation infrastructure, but not under this deal. Under this deal — which by the way I agree is being driven by the fact that the government hasn't been able to follow up politically on its promises of privatization, and for that I thank God. There was very little I heard them talking about that in my mind was going to benefit this province in terms of privatizing. I'm thrilled they backed away from privatizing TVO, privatizing all the liquor stores in this province, privatizing virtually anything that moved.

However, they were taking some heat from some of their fellow travellers and it was necessary for them to show something, to have something they could provide, a deliverable, and here it is: It's 407. This is the one they think they can pull off with the least amount of controversy, and if you get a little bit of controversy, hey, what the hell? Slap on a time allocation motion like we've got right now. I see the good judge over there nodding his head up and down. Slap on a time allocation motion and shut down debate, make sure it's all kept nice and quiet,



do it close to the House recessing again, and hopefully everybody will forget about it. Then, when their pals say: "Why didn't you privatize anything? Why is that Sampson driving around in a limousine anyway? Why is he attending cabinet meetings?" they can say, "He sold 407 and look at the good friends he sold it to. He's a good Tory." That way they can save face.

I think the real deal here is the fact that those tolls are going to continue. I just think from a practical point of view — the minister has said that he's going to table documents that will explain it all. I look forward to seeing all those documents and those details because I want to tell you, I think the average person in this province listening to what's going on and listening to the debate, like me, at some point in this being as objective as they can, is going to say, "But why do the tolls continue forever?" Why does that happen? The road will be paid for. Why? Because that's where the profit is; that's where the bucks are.

Nobody is going to buy this as their contribution to the public good, nor should anyone expect them to. They're going to make this purchase like they would any other business transaction because they can make money. That's fine. Business should make money. That's why business is in business, but not to the point where they've got this kind of access to taxpayer money. It makes you wonder why it's not important enough to spend money on schools, it's not important enough to spend money on health care, it's not important enough to spend money on the poorest children in this province, but it's OK to open up the coffers to business so that this government can meet a political agenda wherein they have to show that they sold something. I think that says an awful lot about this government.

1740

I mentioned the undemocratic nature of this government and I want to take the last couple of minutes to go over the track record of this government when it comes to the lack of democracy, the lack of respect they've shown for democracy and the heavy-handed nature of the way they have abused their majority control in this House.

Bill 7, a brand-new Ontario Labour Relations Act: Never before in the history of Ontario have any changes to the Ontario Labour Relations Act been done without serious, meaningful consultation with the labour movement. When Mike Harris came into power, in fact one year ago on Halloween — not one year ago; it would have been three years ago — but on Halloween in 1995, after introducing a brand-new Ontario Labour Relations Act, Bill 7, in this House on October 4, they rammed through that legislation, a brand-new Ontario Labour Relations Act, taking away major rights that workers have had in this province for half a century. Not one minute of public debate, not one minute of committee hearings, not one minute for the public to have an opportunity to talk about Bill 7; in fact, it was written by private sector lawyers hired by the Tories before the election was even held because they expected to win when they saw the polls and they wanted to be ready to mobilize.

Bill 26, a bill that will go down in infamy: If anyone needs to question how serious it was, it was the one time since I've been here when the New Democrats and the Liberals agreed to work together on something, openly, willingly, decidedly and with mutual purpose. Why did we do that? Why would something like that happen? Because we had an occasion in this House when the government was ramming through a major piece of legislation, the omnibus bill, also known as the bully bill, Bill 26. That was the bill that created the health restructuring commission, the commission that's going around shutting down the hospitals in our communities. That was the bill that removed all kinds of legislation that used to need debate here in this House and moved it over to the privacy and the secrecy of the cabinet room under regulations.

They introduced it in the last couple of weeks of the session, which is a pattern, by the way, just before Christmas, and the only way we could force at least some semblance of decent hearings was to, yes, hijack this Parliament because this government had hijacked democracy. At the end of the day we had the people on our side and the government gave in and we got a couple more weeks of public hearings. We had to be thankful for that because we wouldn't have got it if we hadn't done what we did. But Alvin Curling sat there in that chair and became the symbol of democracy in this province, supported by, yes, Liberals but also New Democrats, in taking on the demagoguery of what was happening across the way.

I've just about run out of time, but I can talk about Bill 99, where you attacked injured workers and took \$15 billion out of the pockets of injured workers and gave \$6 billion to your corporate pals. Big promises about province-wide public hearings and all we got was six measly days in the dog days of summer, again hoping that it would slip through with no one watching. Recently there was the disgrace of Bill 31, which came in here and attacked the construction workers in this province, had major implications for the workers in construction in Ontario. How much public hearings? None. You rammed it through in a couple of weeks and you hoped, and it did happen, that no one would pay attention, that we'd get into the summer recess and people would forget.

Let me close by saying the Tories may think people have forgotten about these things, but all the injured workers and all the construction workers and all the OPSEU workers and all the people who work in hospitals and communities where hospitals are closing, all the people affected by the legislation I've mentioned here, where you ran roughshod over democracy, will not forget when it comes time to go to the ballot box and there they will express how they feel about this government and its total disrespect for the democratic tradition of this great House.

**Ms Martel:** I will speak for about 10 minutes and give the last five to my colleague from Fort York, because he's very interested in participating in the debate this afternoon.

As I begin, I must say that, if it's Monday, and it is, it must be a closure day in this Legislature. In this Legislature last Monday this House and its members also

debated a closure motion by this government. At that time it was a motion to shut down debate on Bill 68.

**Mr Bradley:** And there is another one today.

**Ms Martel:** That's right. The House leader for the Liberal opposition reminds me, and my House leader did as well, that as we speak, as we debate this closure motion yet again by this government, the government has filed yet another closure motion to be debated in this House, probably tomorrow. The government has now put on the order paper a resolution that, pursuant to standing order 46, and notwithstanding any other standing order or order of the House, the Prevention of Unionization Act, Bill 22, is going to be discharged and the debate will be limited.

Here we go once again. If it's Monday, it must be closure day, and it looks like if it's Tuesday, it must be closure day. Every piece of legislation that the government is dealing with seems to give the government some kind of an excuse or reason to close down debate, to shut down members who want to speak, even with respect to legislation that the House was in agreement with, as we were last Monday on Bill 68.

What was interesting last Monday is that the government caucus, instead of trying to stand in their place and defend why they were moving yet another closure motion, ended up speaking to the bill. The government members spent the whole time talking about the bill. Instead of dealing with the closure motion, this House would have been much better served to allow the debate to continue, since it was quite obvious that a number of government members wanted to participate and had a great deal to say.

**Mr Baird:** The Liberals didn't even mention it.

**The Acting Speaker:** Member for Nepean.

**Ms Martel:** The message that we were left with is the reason that the government members spoke to the bill and not the closure motion is because they have no reason to justify why once again they are in this place bringing forward a motion to shut down debate. There really wasn't an excuse.

Last week, we looked at how much time had been spent discussing the second reading of bill 68: nine hours. I heard the member for Nepean today say, "This bill has now been debated nine hours," so that's why the debate should be closed. That must be the new standard that we are setting around here. Any bill on second reading that has nine hours of debate, whether or not members agree with it, is a bill that is destined for a closure motion. That appears to be the new order of business around this place, the new regime that we are trying to operate under, or have to operate under, given this government again and again using its majority to shut down legitimate attempts by the members of the opposition to try and have their say and represent their constituents.

We are dealing with a closure motion for a bill which has been terribly rushed by this government and can only lead the opposition to ask: Who is it that wants to buy this? Why is the government in such a hurry? Who are they dealing with behind closed doors who is in such a hurry to have a major public asset privatized?

I listened to the member for Nepean talk about the government study of privatization that went on for seven months and how much consultation there was and how Highway 407 was a part of it. I said to myself, "Why is it, then, that a document that has such consultation and involves Highway 407, the same thing we're talking about here today, was never released for public review and public comment?" Seven months of consultation, the member for Nepean said. That's why the government has a right to move on this issue. I say to the member for Nepean, if it's so good, share it with the public, share it with the members. Let's see what people have to say about the privatization of Highway 407.

I believe the reason that the document itself has never been released is because there's very little public support for privatization of a major capital asset that the public has had a share in paying for.

The minister of privatization has a problem. We know that. We feel sorry for him. He's a nice guy.

*Interjections.*

1550

**Ms Martel:** Well, some of us do and some of us don't. This poor man has already lost the director of the privatization secretariat, I believe the title was, who has abandoned ship. I think he's gone back to the private sector. Here he is desperately trying to get into cabinet, desperately trying to get the limo. People are bailing out all over the place because he hasn't been able to deliver on the government's promise to privatize everything that moves in Ontario.

Look at his record: No privatization of LCBO, although the government talked about that in the Common Sense Revolution; no privatization of TVO/TFO, although the government talked about that. Now I see that the Minister of Correctional Services last week announced that the megajail would not be privatized, so he's had to back out on that again.

Here he is, the minister of privatization, and people are bailing out left, right and centre. He needs to sell something. He needs to privatize something. Maybe the reason he's looking at the 407 is because the concrete can't fight back. Here we are going after a public asset that can't fight back. There's no one speaking for the 407 — it's a little bit different than TVO — so that's probably a good one to go for. He's hoping that if he can get it done, the Premier will leave him alone in a way that's quite different than what the Premier is doing to the Minister of Health these days. The Premier will leave him alone. He can be part of the club, get the limo back, get in cabinet perhaps full-time, and go from there. So we understand what we're doing here and we feel sorry for the minister, but we have major concerns about the government trying to privatize the 407.

We say to the minister, nothing in the legislation ends the tolls once the highway is paid for. Why should the public continue to pay and pay and pay through the nose when the public asset is paid for? Under our plan, once the highway was paid for, the tolls would end. That's nowhere in the government legislation.



There is no framework for negotiation, no guidelines, no rules, no conditions, nothing in the enabling legislation that would give us any comfort to think that we are not going to have a huge fire sale of a public asset. That's what we think is happening here. There are some friends of the government who are very interested, rubbing their hands behind closed doors, who want to get in on this deal, and we are very concerned that we will see a major fire sale of what is an important public asset.

I say to the minister, it's a shame that we are here today having debate shut down once again, having the opposition shut down once again, having our right to speak and represent our constituents shut down again by this government. It is very clear that the government is more interested in privatizing something than they are in having a full-fledged debate on this, and that's a shame.

**Mr Rosario Marchese (Fort York):** It's a pleasure to have some time to follow the member for Hamilton Centre and the member for Sudbury East and to add a few comments to what they have already said.

The modus operandi of this government is exactly to do what they are doing on a regular basis; that is, to shut down debate.

**Mr Bradley:** They are whacking them.

**Mr Marchese:** How else do you whack the opposition except — in many different ways, I tell you. You do so in this particular instance by shutting down the opposition, by not listening to the opposition and what they have to say. The less the public hears about this deal that the minister is cooking up, the better. I tell you, there's a whole lot of money there in them hills, and a whole lot of private investors are just drooling at the mouth, waiting for the big bucks to be made in this deal.

The minister last week was saying: "We're not privatizing this highway. We may not." Except the *raison d'être* of the minister is to privatize; yes, unsuccessfully in some cases, but in this particular case the intent is to privatize. I saw the minister. He was smug as we were pitifully looking at his lack of success. I saw him smiling, meaning to me — the smugness, at least — that there's something happening with this one. The deal is happening and someone is going to make some money. It's not Uncle Joe who's going to make money out of this.

**Mr Christopherson:** It's not my constituents.

**Mr Marchese:** I know it's not the constituents from Hamilton Centre or Sudbury.

**Mr Baird:** It is all your constituents. The big —

**Mr Marchese:** The member for Nepean knows full well the financial interests in my riding, the bankers, the insurance companies, the money traders, those who support the Tories and, I dare say, the Liberals, because they fund them too, big time, those poor people, the poor bankers who aren't doing too well these days, and the insurance companies too. The insurance companies were worried about those bank mergers because they thought, "Gee, what's going to happen to this deal if the mergers go ahead?" They were going to be swallowed up. Anyway, there's a lot of money to be made. Why else would they privatize except to make money, right?

A public asset, as the member for Sudbury East said, an asset that would return to the public 20 years from now, having gone into a venture which we thought was a good one and eventually returning this asset to the people so that it would belong to the public as a public interest, is going to be given away to the private sector.

We're talking big bucks here. I was saying last week that we're not talking little wallets. You know how you and I carry small wallets. I don't even have one. I only have small change. In fact, I have nothing in my pocket. We're talking about people whose wallets are thicker than the entire New Democratic Party caucus in this place. We're talking big pecunia. That's what we're dealing with here.

The member for Sudbury East said, "We want the contents of these deals open." They speak about transparency all the time. They speak about making government accountable. Make yourselves accountable as you make this deal and show the books. Make it transparent so the public knows what you're doing. For you not to show the deal means that you're cooking something.

**Mr Dwight Duncan (Windsor-Walkerville):** Just like those financial statements in the NDP government.

**Mr Marchese:** The member for Windsor-Walkerville is a funny guy, one of my favourite members. I tell you, I love this guy and I'm looking forward to the election. I hope to be able to meet him in some debate, because I am looking forward to it. He's a funny guy.

**Ms Martel:** Are they for or against —

**Mr Marchese:** Are they for what? I'm not sure what this man stands for and I'm not sure what his party stands for, but I can tell you, they vacillate like the strong wind that we get across this big country of ours. It is a big country and it is difficult to contain those winds. As the tide is shown in turmoil, there they are buffeted from one side, but you can see them firmly rooted somewhere on the ground when the time comes. Those good Liberals will be firmly anchored when the election comes, somewhere, to be sure, right on that quicksand. But I love this member from Walkerville. I hope to meet him someday in some debate or other. But he distracts me. My focus is the malfeasance of this government, and then I have to deal with Liberal vacillation. I don't have time for that.

We want the books to be open. We want to see the deal they have cooked up. We want to see it, to make them accountable. We want the deal to be transparent so the public has a say in what is happening. We know the tolls will go on and on and on into eternity. Once it's paid for, the public using it, ordinary folks, will be paying that toll forever and ever. We want to hold them accountable and we want the public to make them accountable. They are the only ones who can do it. That's why we're speaking against this closure motion today.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour of the motion, please say "aye."

Those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members; a five-minute bell.

*The division bells rang from 1800 to 1805.*

**The Acting Speaker:** All those in favour of the motion will please rise.

#### Ayes

Arnott, Ted  
Baird, John R.  
Barrett, Toby  
Bassett, Isabel  
Beaubien, Marcel  
Boushy, Dave  
Brown, Jim  
Carr, Gary  
Carroll, Jack  
Chudleigh, Ted  
Danford, Harry  
DeFaria, Carl  
Doyle, Ed  
Ecker, Janet  
Elliott, Brenda  
Eves, Ernie L.  
Flaherty, Jim

Froese, Tom  
Galt, Doug  
Gilchrist, Steve  
Grimmett, Bill  
Guzzo, Garry J.  
Hardeman, Ernie  
Hamick, Charles  
Harris, Michael D.  
Hodgson, Chris  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Johnson, David  
Jordan, W. Leo  
Leadston, Gary L.  
Martiniuk, Gerry

Newman, Dan  
Parker, John L.  
Preston, Peter  
Ross, Lillian  
Sampson, Rob  
Shea, Derwyn  
Smith, Bruce  
Snobelen, John  
Sterling, Norman W.  
Tsubouchi, David H.  
Tumbull, David  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, Terence H.

**The Acting Speaker:** All those opposed to the motion will please rise.

#### Nays

Boyd, Marion  
Bradley, James J.  
Brown, Michael A.  
Christopherson, David  
Colle, Mike  
Crozier, Bruce  
Curling, Alvin  
Duncan, Dwight

Gerretsen, John  
Hoy, Pat  
Kormos, Peter  
Lalonde, Jean-Marc  
Lessard, Wayne  
Marchese, Rosario  
Martel, Shelley  
McLeod, Lyn

Morin, Gilles E.  
Phillips, Gerry  
Pouliot, Gilles  
Ramsay, David  
Sergio, Mario  
Silipo, Tony  
Wildman, Bud  
Wood, Len

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 49; the nays are 24.

**The Acting Speaker:** I declare the motion carried.

It being past 6 of the clock, this House stands adjourned until 6:30 of the clock this evening.

*The House adjourned at 1808.*

*Evening sitting reported in volume B.*





**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Chris Stockwell

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Member / Député(e)	Constituency / Circonscription	Party / Parti	Other responsibilities / Autres responsabilités
Agostino, Dominic	Hamilton East / -Est	L	
Arnott, Ted	Wellington	PC	parliamentary assistant (Small Business) to the Minister of Economic Development, Trade and Tourism / adjoint parlementaire (secteur petites entreprises) du ministre du Développement économique, du Commerce et du Tourisme
Baird, John R.	Nepean	PC	parliamentary assistant to the Minister of Finance / adjoint parlementaire du ministre des Finances
Barrett, Toby	Norfolk	PC	
Bartolucci, Rick	Sudbury	L	
Bassett, Hon / L'hon Isabel	St Andrew-St Patrick	PC	Minister of Citizenship, Culture and Recreation / ministre des Affaires civiques, de la Culture et des Loisirs
Beaubien, Marcel	Lambton	PC	
Bisson, Gilles	Cochrane South / -Sud	ND	deputy New Democratic Party House leader / chef parlementaire adjoint du Nouveau Parti démocratique
Boushy, Dave	Sarnia	PC	
Boyd, Marion	London Centre / -Centre	ND	
Bradley, James J.	St Catharines	L	deputy opposition leader, opposition House leader / chef adjoint de l'opposition, chef parlementaire de l'opposition
Brown, Jim	Scarborough West / -Ouest	PC	parliamentary assistant to the Minister of Correctional Services / adjoint parlementaire du ministre des Services correctionnels
Brown, Michael A.	Algoma-Manitoulin	L	deputy opposition whip / whip adjoint de l'opposition
Caplan, David	Oriole	L	
Carr, Gary	Oakville South / -Sud	PC	
Carroll, Jack	Chatham-Kent	PC	parliamentary assistant to the Minister of Community and Social Services / adjoint parlementaire de la ministre des Services sociaux et communautaires
Castrilli, Annamarie	Downsview	L	
Christopherson, David	Hamilton Centre / -Centre	ND	
Chudleigh, Ted	Halton North / -Nord	PC	parliamentary assistant to the Minister of Natural Resources / adjoint parlementaire du ministre des Richesses naturelles
Churley, Marilyn	Riverdale	ND	Second Deputy Chair of the Committee of the Whole House / Deuxième Vice-Présidente du Comité plénier de l'Assemblée législative
Cleary, John C.	Cornwall	L	
Clement, Hon / L'hon Tony	Brampton South / -Sud	PC	Minister of Transportation / ministre des Transports
Colle, Mike	Oakwood	L	
Conway, Sean G.	Renfrew North / -Nord	L	
Cordiano, Joseph	Lawrence	L	
Crozier, Bruce	Essex South / -Sud	L	
Cullen, Alex	Ottawa West / -Ouest	Ind	
Cunningham, Hon / L'hon Dianne	London North / -Nord	PC	Minister of Intergovernmental Affairs, minister responsible for women's issues / ministre des Affaires intergouvernementales, ministre déléguée à la Condition féminine
Curling, Alvin	Scarborough North / -Nord	L	deputy opposition House leader / chef parlementaire adjoint de l'opposition
Danford, Harry	Hastings-Peterborough	PC	parliamentary assistant (Agriculture and Food) to the Minister of Agriculture, Food and Rural Affairs / adjoint parlementaire (secteurs Agriculture et Alimentation) du ministre de l'Agriculture, de l'Alimentation et des Affaires rurales



Member / Député(e)	Constituency / Circonscription	Party / Parti	Other responsibilities / Autres responsabilités
DeFaria, Carl	Mississauga East / -Est	PC	
Doyle, Ed	Wentworth East / -Est	PC	deputy government whip / whip adjoint du gouvernement
Duncan, Dwight	Windsor-Walkerville	L	
Ecker, Hon / L'hon Janet	Durham West / -Ouest	PC	Minister of Community and Social Services / ministre des Services sociaux et communautaires
Elliott, Brenda	Guelph	PC	
Eves, Hon / L'hon Ernie L.	Parry Sound	PC	Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Fisher, Barbara	Bruce	PC	parliamentary assistant (Rural Affairs) to the Minister of Agriculture, Food and Rural Affairs / adjointe parlementaire (secteur Affaires rurales) du ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Flaherty, Hon / L'hon Jim	Durham Centre / -Centre	PC	Minister of Labour / ministre du Travail
Ford, Douglas B.	Etobicoke-Humber	PC	assistant deputy government whip / whip adjoint suppléant du gouvernement
Fox, Gary	Prince Edward-Lennox-South Hastings / Prince Edward- Lennox-Hastings-Sud	PC	
Froese, Tom	St Catharines-Brock	PC	parliamentary assistant (Colleges and Universities) to the Minister of Education and Training / adjoint parlementaire (secteur collèges et universités) du ministre de l'Éducation et de la Formation
Galt, Doug	Northumberland	PC	parliamentary assistant to the Minister of the Environment / adjoint parlementaire du ministre de l'Environnement
Gerretsen, John	Kingston and The Islands / Kingston et Les Îles	L	chief opposition whip / whip en chef de l'opposition
Gilchrist, Steve	Scarborough East / -Est	PC	parliamentary assistant (Municipal affairs – urban) to the Minister of Municipal Affairs and Housing / adjoint parlementaire (Affaires municipales – secteur urbain) du ministre des Affaires municipales et du Logement
Grandmaître, Bernard	Ottawa East / -Est	L	
Gravelle, Michael	Port Arthur	L	
Grimmett, Bill	Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	PC	parliamentary assistant to the Chair of the Management Board of Cabinet / adjoint parlementaire du président du Conseil de gestion
Guzzo, Garry J.	Ottawa-Rideau	PC	
Hampton, Howard	Rainy River	ND	Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Hardeman, Ernie	Oxford	PC	parliamentary assistant (Municipal affairs – rural) to the Minister of Municipal Affairs and Housing / adjoint parlementaire (Affaires municipales – secteur rural) du ministre des Affaires municipales et du Logement
Harnick, Hon / L'hon Charles	Willowdale	PC	Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Harris, Hon / L'hon Michael D.	Nipissing	PC	Premier and President of the Executive Council / premier ministre et président du Conseil exécutif
Hastings, John	Etobicoke-Rexdale	PC	parliamentary assistant to the Minister of Transportation / adjoint parlementaire du ministre des Transports
Hodgson, Hon / L'hon Chris	Victoria-Haliburton	PC	Chair of the Management Board of Cabinet, Minister of Northern Development and Mines, deputy government House leader / Président du Conseil de gestion, ministre du Développement du Nord et des Mines, vice- leader parlementaire du gouvernement
Hoy, Pat	Essex-Kent	L	
Hudak, Tim	Niagara South / -Sud	PC	parliamentary assistant to the Minister of Health / adjoint parlementaire de la ministre de la Santé
Jackson, Hon / L'hon Cameron	Burlington South / -Sud	PC	Minister of Long-Term Care, minister responsible for seniors / ministre des Soins de longue durée, ministre délégué aux affaires des personnes âgées
Johns, Helen	Huron	PC	parliamentary assistant to the Minister of Energy, Science and Technology / adjointe parlementaire du ministre de l'Énergie, des Sciences et de la Technologie

Member / Député(e)	Constituency / Circonscription	Party / Parti	Other responsibilities / Autres responsabilités
Johnson, Bert	Perth	PC	Deputy Speaker and Chair of the Committee of the Whole House / Vice-Président de la Chambre et Président du Comité plénier de l'Assemblée législative
Johnson, Hon / L'hon David	Don Mills	PC	Minister of Education and Training / ministre de l'Éducation et de la Formation
Johnson, Ron	Brantford	PC	
Jordan, W. Leo	Lanark-Renfrew	PC	parliamentary assistant (Tourism) to the Minister of Economic Development, Trade and Tourism / adjoint parlementaire (secteur Tourisme) du ministre du Développement économique, du Commerce et du Tourisme
Kells, Morley	Etobicoke-Lakeshore	PC	
Kennedy, Gerard	York South / -Sud	L	
Klees, Frank	York-Mackenzie	PC	parliamentary assistant to the Minister of Community and Social Services / adjoint parlementaire de la ministre des Services sociaux et communautaires
Kormos, Peter	Welland-Thorold	ND	
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## Legislative Assembly of Ontario

Second Session, 36<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 36<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Monday 2 November 1998

Lundi 2 novembre 1998



Speaker  
Honourable Chris Stockwell

Président  
L'honorable Chris Stockwell

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 2 November 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 2 novembre 1998

*The House met at 1832.*

### ORDERS OF THE DAY

#### LIQUOR LICENCE AMENDMENT ACT, 1998

#### LOI DE 1998 MODIFIANT LA LOI SUR LES PERMIS D'ALCOOL

Mr Tsubouchi moved third reading of the following bill:

Bill 57, An Act to amend the Liquor Licence Act in respect of brew on premise facilities / *Projet de loi 57, Loi modifiant la Loi sur les permis d'alcool en ce qui concerne les centres de brassage libre-service.*

**Hon David H. Tsubouchi (Minister of Consumer and Commercial Relations):** As members will recall, there was all-party support for this bill when it came before the Legislature for second reading. In fact, we were complimented by some opposition members on producing what they described as a timely bill backed by succinct arguments. Those arguments include the need to clarify the rules about customer involvement in the making of beer and wine in brew-on-premise establishments. This would help to ensure that these facilities are operated, as originally intended, to provide a service to people who don't have facilities in their own homes nor the equipment to make their own beer and wine.

Most brew-on-premise operators provide a legitimate opportunity for hobbyists to make their own beer and wine. However, some operators require a little participation by the customer in the manufacturing process and some operators are becoming more like breweries and wineries.

Clarifying the guidelines has been requested by the Brew on Premise Association of Ontario, which represents brew-on-premise operators. The association says that the lack of clarity is putting operators who do follow guidelines at a competitive disadvantage. Clarifying the rules and establishing an acceptable level of customer involvement in the manufacturing process in standards to be set in the regulations will ensure fair and consistent treatment for everyone.

This legislation will in no way restrict the ability of consumers to make their own beer and wine. We made this point very clearly in our remarks during the second reading debate but feel it should be emphasized again. Indeed, many thousands of people across this province use the services of brew-on-premise operators to make their

own beer and wine, and the brew-on-premise sector is providing a valuable service.

We also made some remarks at that time that may have escaped some members' notice. I refer to a comment during the debate to the effect that introducing new regulations appeared contrary to the government's fight against unnecessary regulations and red tape. However, I would like to repeat what was said at the time, and that was:

"It may seem out of character for this government to add more regulations. Members should note, however, that the Red Tape Review Commission supports this initiative. As a matter of fact, the commission met with stakeholders and worked with them to ensure that the regulatory principles that were put in place would guide the development of standards."

We thank the members for their support of this bill.

**The Acting Speaker (Mr Gilles E. Morin):** Questions or comments? Further debate?

**Mr Mike Colle (Oakwood):** I'll be very brief. Our party and our caucus support Bill 57, which is commonly known by a lot of people as the you-brew bill or the brew-on-premise bill. As the minister said, it doesn't restrict people who want to continue to brew beer or wine in their own homes. Also, it doesn't go contrary to the small you-brew premises which are popping up all over Ontario, whether it be for wine-making or for beer-making. These are generally small, independent operators. There are some franchises involved, but generally these are people who have storefronts. They're certainly all over the greater Toronto area, where people who don't have facilities in their apartments or homes use the services of a professional who guides them in how to properly brew wine or beer.

What this bill does, which is needed, is to put in guidelines and benchmarks so that there aren't unscrupulous people who manufacture beer or wine for sale who don't go through the same rules that the solid businessperson or entrepreneur has to go through. It tries to put everybody on the same level playing field so there are the same rules for everyone.

It's necessary because this is a growing industry and an industry that's in every community. Therefore, the consumer is asking for these protective, uniform guidelines so they could be dealing with a bona fide you-brew provider, whether it be beer or wine.

The major established manufacturers and brewers of beer or wine are supportive of this because it tries to ensure that there isn't ad hoc brewing taking place without



the same type of rigorous guidelines as for the main players, that people have to pay all the taxes and abide by all the government rules. It's protection for the consumer and at the same time it gives people in the industry, who have to put major investments into the brewing of alcohol, wine or beer, some protection.

The appreciation of fine beer and fine Ontario wine has really exploded in Ontario in the last couple of decades. At one time, it was rare that you would go into a restaurant and see a bottle of wine on a table; you would see people having everything but wine. Now you can see Ontarians of all stripes enjoying good Ontario wine, and also they're enjoying good beer. At one time it was just your basic beer that Ontarians were drinking. You remember the ones drinking old IPA? I call them the old IPA drinkers. Well, we've gone beyond the old IPA and we see people now appreciating fine-brewed micro-brews or speciality beers by the major manufacturers and brewers. It's part of Ontario's socioeconomic fibre that drinking beer and wine as part of your meal, in moderate, controlled fashion, is quite acceptable. It's an industry that employs a lot of good, taxpaying Ontarians.

Bill 57 is supported by our party because we feel it's part of making the rules apply across the board so there aren't people playing outside the rules, so at least there's an attempt to treat everyone fairly. I think the consumer in the long run benefits by such legislation and that's why we're supporting it.

1840

**The Acting Speaker:** Questions or comments? Further debate?

**Mr Colle:** Mr Speaker, I forgot to mention that the member for Kingston and The Islands wanted to add a few comments about the grapes in the Kingston area.

**The Acting Speaker:** Is it agreed? Agreed.

**Mr John Gerretsen (Kingston and The Islands):** Actually, I think I should put the House on notice that we have a number of different speakers who want to speak on this.

**Mr Tony Silipo (Dovercourt):** You mean I should have said no?

**Mr Gerretsen:** Maybe you should have said no, but we do and they're on their way down right now.

Let me start off by saying, as the member for Oakwood has already said, that we support this bill, this initiative, because we realize that it's supporting small business in Ontario. This is one of the very few measures with which this government has supported small business.

I know they like to give out the message or have people believe somehow that they are a party for the small business individual in Ontario, but their actions over the years, and particularly this year, have shown anything but that concern for small business. I suppose the best example of that is the whole property tax mess out there currently. As we know, over the last couple of years, six different bills have been introduced to deal with the property assessment and property tax situation in Ontario.

**Mrs Brenda Elliott (Guelph):** Speak to the bill.

**Mr Gerretsen:** I am speaking to the bill. I am speaking to the small business aspect of this bill and how this bill is helping a particular small business, but I'm also talking about the fact that in many other respects this government has attacked small business. There's no better way to show that over the last year or so than with respect to the property tax situation.

It's very interesting that the Minister of Finance in September of this year stated that he was going to bring the House back earlier so that he could deal with the assessment appeal situation in the province. That's why the House was brought back on September 28. I think we debated that bill for exactly one day and after that it never came back again, because the minister realized after a while that he still had messed it up.

Now we hear that another bill is being brought forward, presumably sometime this week, to put limits on the increases and the decreases that the small business individuals and small businesses in the province will get this year. I'm talking about small business, and this is a bill dealing with small business. We know there are 450 you-brews in Ontario, all enterprising businesses that have multiplied over the last number of years. It's the kind of entrepreneurship that I think we can all be extremely proud of in Ontario.

*Interjection.*

**Mr Gerretsen:** Yes, I'm talking about the you-brews, Mr Speaker.

**The Acting Speaker:** Not quite.

**Mr Gerretsen:** I'm talking about the you-brews and the fact that there need to be some regulations with respect to those you-brews to make sure they're operating in a proper fashion. That's what this bill is all about.

I'm talking about the fact that there are many other areas that small business is concerned about, and one of them is the property tax situation. We know that there are many situations in the small business community where taxes have gone up anywhere from 30% to 100% to 200%, and those people want relief. They want relief. They want to know, "Can I appeal my assessment?" At one time they were told, "Yes, you can, before October 31." October 31 went by and new legislation was not passed. Now the government is saying it will be December 31, but with one major change, and that change is as follows: that for this year, the most that anybody's taxes can increase in the small business community is 10%. On the other hand, though, a property owner's taxes cannot decrease by more than 10%. So we've got the ridiculous situation where somebody who received a tax bill earlier this year, probably within the last couple of months, which clearly indicates —

*Interjection:* It could be a you-brew.

**Mr Gerretsen:** It could be a you-brew. Many you-brews got a tax bill that said, "You owe us \$3,000," let's say. Let's say they'd always paid \$5,000 in property taxes and as a result of the assessment being changed it is now \$3,000. That you-brew feels happy about it, quite happy that it's now only paying \$3,000 in property taxes whereas last year it paid \$5,000. Now they are going to

get a tax bill saying: "Remember the bill you got last month that said you had a \$2,000 decrease over what you paid last year? Sorry, but we can only decrease your original bill by 10%. In other words, you'll have to pay us \$4,500," which is a \$1,500 increase over what they thought last month they were going to have to pay. That is a travesty, and it's something that small business simply cannot put up with.

Even though this government likes to give the impression that it wants to help small business, there are many, many areas where it's not doing that. I just ask the small business owners in Ontario to keep a very close eye on that, because sooner or later that bill will have to be brought into this House, will have to be debated and will have to be voted on. At that point in time, yes, the increases that some people are subjected to are going to be capped at 10%, but at the same time any decreases will be —

**The Acting Speaker:** Take your seat, please. I'm trying to relate your presentation to the bill, and I have difficulty finding a link to it. I would ask you to really talk about the bill. I'm being fair with everyone. Talk about the bill. Really talk about the bill.

**Mr Gerretsen:** Thank you very much, Mr Speaker. Let me then refer you to an article in the *Globe and Mail* that dealt with this particular you-brew situation, an article dated October 12, 1998. It says that the province is preparing a bill to regulate the you-brew industry, which is really what this is all about. The irony about this is that here we have a government that is against regulations. It wants to get rid of as many regulations as possible, whether we're talking about the environment or many, many different areas, yet here they want to introduce more regulations. I find that somewhat ironic from this government.

I, for one, believe that good regulation is necessary in all areas. It's necessary in the you-brew business and it's necessary in many other businesses out there. I do not have anything against regulations and rules to start with, not like some of my friends on the government side, who believe that if we just do away with all rules and regulations, it's a dog-eat-dog world and somehow the fittest will survive. That is their attitude about most of the endeavours they place in this chamber. My attitude is that good regulation makes sense, and this is a perfect example.

An industry started some 10 or 15 years ago and there's now a realization that there have to be some rules and regulations set up for the protection of the general public, for the protection of the people who use the you-brews as places where they make their wine and their beer. Even the you-brew association has said, "We need some regulation so that everybody knows there are certain standards expected of these businesses."

I think it is a good idea to have these kinds of rules and regulations. I'm saying that in this party we don't go along with the idea that we just do away with all rules and regulations. There should be regulations within certain industries, and this is certainly one of them.

1850

Yes, we support the bill, but I also say to this government that you have done more harm to the small businesses that operate in this province than probably any other action by any other government in the past. They don't know what their real estate taxes are going to be. Even those people who have received their bills this year may get another bill later on this year that tells them, "You may have seen a decrease in your last tax bill and you may have been happy about that, but it doesn't mean anything, because as a result of a new bill that's being introduced and passed it may be limited to only a 10% decrease over what you paid last year."

With that, I turn it over the member for Windsor-Walkerville.

**The Acting Speaker:** I just want to remind the member for Windsor-Walkerville that we're debating Bill 57, please.

**Mr Dwight Duncan (Windsor-Walkerville):** I'm pleased to join the debate tonight on Bill 57, An Act to amend the Liquor Licence Act in respect of brew on premise facilities, the so-called you-brews.

Let me begin my brief commentary tonight by saying that that I too support this bill, as does the official opposition. It's an important piece of legislation that merits the careful consideration of the Legislature.

Mr Speaker, you asked me to address the bill. I'd like to read to you the very first line of the bill, and I'd like to read this line particularly to the government members because it speaks so eloquently. It says: "Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario...." Referring specifically to that line, how often has the opposition not been able to advise? How often has debate been cut off, as it was tonight? That line is extremely important and contained in the bill.

I remind government members, when you closed debate today, as you have on so many occasions — and I must say the NDP had a habit of closing debate; I remember they shut down debate on the social contract. In every one of your bills, including this bill, the very first line says, "by and with the advice and consent of the Legislative Assembly." That means — not only does it imply; it means — that we on all sides of the House ought to have a commitment to full and fair debate. That line I wanted to take the opportunity to address specifically, as it does very clearly say that we should have advice and consent.

The you-brew industry is interesting. I think we've all watched it grow and evolve in our communities. In my community, a number of individuals I know take advantage of the you-brews, take full advantage, and have saved quite a bit of money in doing so.

This act attempts to initially put them on a fairer playing field. It talks about licensing, and licensing implies fees. Section 2 of the act amends the Liquor Licence Act to say, "No person shall operate a brew on premise facility," that is, a you-brew, "except under the authority of a licence to operate such a facility." Licensing implies licensing fees.



I was looking at the public accounts the other day. I remember Mike Harris, the Taxfighter, when he used to say, "A tax is a tax is a tax." Well, you know what? Fees and other revenues of the government of Ontario have quadrupled since the Harris government was elected in 1995, absolutely quadrupled. When I read that section of the bill, "No person shall operate a brew on premise facility except under the authority of a licence," what that means to the people who are watching out there, people who use you-brews, use them frequently, is that there will be a licence fee attached to it. Like so many other fees, whether it's vehicle registration fees or any kind of fees the government of Ontario charges, those fees will impact on individual consumers.

We look at this and we support it. I'm reminded when we deal with you-brews that where I come from, we have some of the finest wineries in Ontario. We have Pelee Island Winery, we have Colio Estate, Harrow Estate wineries — fine wineries indeed. Their product is exported worldwide. It's winning awards worldwide. We have to remember those industries and how many people they employ.

**Mr Gilles Pouliot (Lake Nipigon):** What's the range?

**Mr Duncan:** The member asks what the range is. I'm not sure I understand his question.

**Mr James J. Bradley (St Catharines):** Right around the world.

**Mr Duncan:** Oh yes, indeed, they sell right around the world, to traditional wine-producing countries — Italy, Germany — and others. We're very proud of those wineries.

It's important that we recognize the significance of those industries and the impact of regulation on those industries, the impact of all forms of taxation. My colleague spoke earlier about (1) the impact of regulation and (2) the impact of taxation. Let us be clear on this side of the House: As Liberals, we believe that there is a legitimate place for regulation of all industry and that the government has an obligation to regulate and provide a fair playing field in many instances, both for consumers and producers.

We don't have a problem supporting this bill, but my colleague from Essex will talk about this issue of enforcement. Do you know that because of Harris government cutbacks there's only one liquor licence officer in the entire county of Essex right now? I wonder who is going to enforce this bill. This bill envisions enforcement. It envisions licensing and consequently enforcement. How will the government enforce this particular piece of legislation?

I'm referring again directly to the bill. It says that the government will regulate and license, and therefore the obvious question is, when you've cut the Ministry of Consumer and Commercial Relations, when in Essex county you have but one liquor licence officer to enforce not just this regulation but all the regulations under the Liquor Licence Act, one simply must debate in the Legislature what the impact of those cuts is going to be.

*Interjection.*

**Mr Duncan:** It may well be that the NDP cut them, that may well be the fact, but the simple fact remains that you do not have the staff or the manpower to enforce your existing laws and regulations.

We have a new you-brew that's sprouted up in Walkerville, which is in the heart of my riding. Indeed, my riding is named after Walkerville. There's a high school named Walkerville as well and it's one of the schools that's being considered for closure right now, right in Walkerville, not far from the you-brew.

This bill doesn't deal specifically with that, but we have not only to focus on these legislative items such as this bill, and this bill will regulate you-brews in Walkerville, but as an opposition we also have to talk about the impact of budgetary policy and how it affects every community in our province, whether it be the closure of 40 hospitals, as this government has done, or the closure of potentially 600 schools across Ontario, which this government has done.

We can support this legislation, but it has to be debated and discussed in the context of not only the advice and consent of the Legislative Assembly, but also within the context of the government's budgetary policy: what it applies to enforce its laws and its regulations, what it does in other parts of the economy and to other parts of the community.

I wanted to end by saying that we welcome this kind of legislation. We feel it'll provide a fair playing field for all producers of liquor and alcohol, but I wanted to end too by referring back to the market issues that are confronting you-brews, which are small businesses, that are confronting large employers, and that is property taxes.

My colleague from Kingston and The Islands put it quite fairly when he talked about the unfair tax hikes that the Harris government is putting on small business in this province. You-brews are small businesses. This legislation is designed to regulate them. Property tax increases as large as are contemplated by the revised assessment schedule in Ontario will affect them also.

Yes, the government has come in with its seventh bill to now take control of municipalities' ability to set tax rates and to fix the problems that the government itself has created, but I would suggest that that is simply a delaying mechanism, that it won't deal with the problem you-brews will face with increased tax burdens in municipality after municipality after municipality.

**1900**

As we pass this bill, as we begin to regulate you-brews in this province, let us bear in mind, I say to the government members, that this bill's functioning, this bill's ability to regulate is only one small part of the equation. It must be considered in the context of the broader budgetary policy of this government and its taxation on small business.

We regret what the government is doing to small businesses and municipalities. We regret that the government has had to cut so deeply that it can't enforce its own regulations and acts, but we do support this bill as it's an important step in the right direction.

We urge the government to reconsider the closure of schools like Walkerville and W.D. Lowe and hospitals right across Ontario. Those kinds of budgetary policies hurt people, hurt small businesses, whether it be you-brews or other types of businesses. While we support this bill, we reject entirely this government's policies with respect to education, health care and small business.

**Mr Bruce Crozier (Essex South):** I am privileged to rise this evening to add a few comments to those of my colleagues with respect to Bill 57, An Act to amend the Liquor Licence Act in respect of brew on premise facilities.

I want to put the debate on this bill tonight in a little bit of context and the reason I too am rising in support of it. So often with this government, when I've wanted to speak on bills — obviously, Speaker, you and I and all of the other of my colleagues in this Legislature are sent here to express the opinions of our constituents, but all too often, as has been seen with this government, we bring in time allocation. I thought I should get in on the speakers' list early this evening because, goodness knows, probably the government's going to bring in time allocation on this. In fact, it's surprising to me that they haven't brought in time allocation on bills before they're even presented, because it's getting that bad.

But we do support this bill, for a variety of reasons. The brew-your-own industry in Ontario provides about 4,200 jobs, and that's good. When you take into consideration the number of people the you-brew industry employs, take into consideration the number of people the larger brewers and winemakers employ, it's an important part of our economy.

As has been mentioned before, but deserves repeating, since 1988, in only the last 10 years, 450 you-brews and you-vin stores have opened in the province. That shows us that people are not only interested in brewing their own beer and wine at home, but they're also interested in the equipment that perhaps makes a little better brew of beer or a little better wine available to them. That is allowed under the you-brew operation.

Homemade products represent more than 3% of the total wine consumption in Ontario. That's not a lot and that's why I think the regular Ontario domestic wineries can also support this legislation, because it brings into place some regulation in the you-brew area. The Brewers of Ontario trade association's latest estimate is that 5.5% of beer consumed in the province is home-brewed. That would amount to about 42.5 million litres, or the equivalent of 5.2 million cases of 24 beer. When you take it in the overall context, it's not a lot. I remind ourselves that Canadians bought two billion litres of commercial beer last year and 250 million litres of wine. So although the you-brew sector is not a large one, it is one that needs to compete fairly and on an even playing field and be balanced competition when it comes to the overall industry.

The brew-on-premises industry has worked hard to develop their business. I think that's why they're willing to work with the government of Ontario in order to regulate the you-brew industry to some extent, so that they can

continue to do a good business after having worked so hard to develop it in the first place.

Aside from prices — and there is some price advantage to brewing your own — many consumers simply prefer the opportunity to create their own beer and wine products with a minimum of investment in equipment and supplies, and that's what the you-brew industry provides for them. They can go in and use the equipment along with others who have the same interest, which therefore makes it less costly to them. The you-brew industry provides that opportunity.

We are supportive of this bill because we have the support of the you-brew industry, which is trying to define a secure regulatory framework for this industry. Having done this, we think the larger brewers and winemakers will also agree with the legislation that's being presented.

There are several areas in which people have the opportunity to obtain wine and beer for their own consumption. One is that they can make it at home on their own, and this can't be for resale. In my area — I suppose it's indicative of many areas in the province — we're quite proud that we have some of the finest home-brewed and home-created wines by the German community. They make some fine homemade wines and beers that have been brought along with German recipes. We have the Portuguese community who certainly like to make their own wine at home.

This is an industry in itself because as you get into the fall there are all kinds of signs around the riding where grapes are available that have been brought in from a variety of regions that they can use to make their own wine at home.

The Italians make some of the finest homemade wines that you could ever want in our area. When I campaign in the great municipality of Amherstburg, it's a treat to visit the homes on Texas Road and to appreciate the hospitality that's given to you there when at each household —

**Mr Gerretsen:** Texas Road?

**Mr Crozier:** Texas Road it's called, yes, in Amherstburg, where you see some of the finest hospitality you would ever want to enjoy with the residents. They're proud of their homemade wines.

Then, as we're speaking tonight about Bill 57, we have the areas in the riding where you can go to a you-brew place of business and use their equipment, get some assistance from them, use some of the recipes they have and participate in the you-brew industry in a commercial aspect.

**1910**

Notwithstanding the fact that many fine wines and beers are brewed at home and many fine wines are made and beers brewed at the you-brews, all of us from time to time want to enjoy commercial wines. In connection with this, as an option we have I think four of the finest wineries in the province of Ontario, and perhaps in the Dominion of Canada, which are earning their way in the world of excellence when it comes to wine, one being the D'Angelo winery, which is an estate winery in Amherstburg.



If anyone should care to come down to Essex South some time we have the North Shore wine route where you can follow a tour starting with the D'Angelo winery in Amherstburg. You can go on to the Colio winery in Harrow as an alternative to the you-brew and the home-brew market. I dare say the Minister of Consumer and Commercial Relations is going to join us in Harrow on November 12 this year at the Colio winery. I welcome him to our fine riding to do that. The only problem the minister may have is that one of the finest high schools in Essex county is under the axe, that being the Harrow District High School. I certainly hope the province has considered its position on rural schools and that by the time the minister arrives there I'm able to tell him that the Harrow high school is able to continue open and make that community viable, because goodness knows a business like Colio wines and/or many other business in the town of Harrow may not be there were it not for the very fine schools that have been provided in that community. I hope the Harrow high school is one of those that continues.

If you're still on that North Shore wine tour, you can just go up a few concessions north of Harrow and visit another small estate winery, which is the LeBlanc winery. They, as well as the others, make some of the finest domestic Ontario wines you could ever want to have. Lyse LeBlanc, the wine master there, will certainly welcome you to her winery. She knows that her wines are as attractive to anyone as would be the wines that they might make at a you-brew or at home.

Then as you continue a bit east, everyone would want to stop at the Pelee Island Winery. In fact, they might even want to go to Pelee Island because without question some of the finest grapes in Ontario are grown on Pelee Island. It's a small island out in the middle of Lake Ontario. The climate is moderate. I'm sure that Pelee Island, along with Colio — maybe even LeBlanc and D'Angelo — supply grapes and concentrate to the you-vin shops throughout the province.

This is all tied in to one in that it gives the consumer a choice: They can either brew their own wines and beer at home, they can use the you-brews as they're now going to be regulated on a fair basis with the industry as a whole, or they can choose to buy some of the finest wines that are made domestically, in the great southwest of Ontario, in the most southerly riding of the province. They would do well to take a trip to Pelee Island. Take the Jjimann or the Pelee Islander and go and visit Pelee Island. Buy some of the grapes that are over there perhaps or even try some of the great Pelee Island wines that we have.

It isn't difficult for me to support this bill because in supporting it we support the whole wine and beer industry by giving our constituents, the people of Ontario, a choice. I would hope that everyone who wants to is given an opportunity to speak on this bill and that in doing so we just encourage small business in the province of Ontario so that it may prosper.

**Mrs Lyn McLeod (Fort William):** I'm happy to participate in this debate tonight on Bill 57, which is making provisions under the Liquor Licence Act for brew-on-

premises beer and wine facilities. The issue of you-brews or brew-your-own stores has been a subject of some debate off and on for the last few years, since this industry has been a growing industry despite some of the very real challenges it is facing.

The bill we're debating tonight, Bill 57, is of considerable importance to the people who have small you-brew businesses and to the some 4,200 people in the province of Ontario who are employed by the you-brew business. Surely this is an industry which fits into the government's category of small business, which in theory their party wants to provide support for. In practice, of course, we know that most small businesses in Ontario are experiencing incredible tax increases because of the dumping on municipalities that this government has enforced and the fact that that dumping is leading to very significant increases for most small businesses. It's no wonder that the you-brew people have been anxious about the issue of taxation on their businesses and want to ensure that there is a relatively secure framework established through legislation and through regulations that will provide some consistent ground rules on which they can start up and continue their businesses with the expectation of reasonable financial viability.

I'm rather surprised. It's my understanding that the members of the government, despite the fact that this is a bill about small business, a good-news bill — as I understand it, probably all three parties are likely to support this bill. Certainly our party has indicated that we feel it is timely for this bill to come forward and we have not raised significant objections to the details of the bill. So it surprises me that the members of the government are not going to put up speakers tonight. I find myself wondering why that would be the case.

**Mr Gerretsen:** I think they're really against small business. They're only in favour of big business.

**Mrs McLeod:** It may be that they're little bit nervous about ever talking about small business in a debate situation, where the rest of us might want to talk about whether this government really has provided support for small business or whether it has made small business non-viable because of its taxation in so many areas. But I know the Speaker is anxious that we speak very directly to the you-brews, so I'm not going to get into a long, discursive discussion about what the government has done to small businesses in a whole lot of other respects.

I'm surprised, and I say it again, that there are not government members who want to speak to Bill 57 tonight, because this is trend-setting legislation, precedent-setting legislation. Perhaps we're not aware of the significance of bringing forward this legislation tonight or the fact that it's being watched across the country. There are only two provinces, as I understand it, that actually have you-brew operations sanctioned within their provinces, Ontario being one and British Columbia being the other. To the best of my knowledge, British Columbia has not brought forward legislation of the kind we have before us tonight, so Ontario's legislation, the intent of the Ontario government to actually provide regulations to provide some

stability for this relatively new industry, is considered to be trend-setting and precedent-setting. Other provinces are going to look at it and determine whether this is a basis on which the you-brew industry can be encouraged in their province. So it's of significance, and I would have thought it was of such significance that we might have had speakers from the Tory party prepared to talk about this precedent-setting legislation they're bringing forward.

I understand that the New Democrats are also not going to put up speakers tonight. I think I understand that a little bit better, however, because it was the New Democrats in 1993, when they were rather desperately looking for ways to deal with the \$10-billion deficit they had managed to create for the province, when they were looking for any sort of taxation they could find to offset the deficit, who decided that the tax-exempt status of the you-brews was something they might be able to deal with, and they brought in taxation which virtually threatened to put the you-brews out of business. So I understand why the New Democrats are not anxious to participate in this debate this evening.

But I would have thought the members of the government would have been more than anxious to come forward and talk about the benefits of this particular bill, the initiative that their own government is taking to provide stability to what has become a growth industry in the province of Ontario.

The other reason it's surprising that they're not speaking tonight is because I think this bill is relatively non-controversial. That was not always the case. There was a time a few years ago when the whole issue of the tax-exempt status of the you-brew industry was extremely controversial. We had representations from the Ontario wine industry, which, as my colleagues have said, is a well-established and very important industry in the province of Ontario, and we had representatives from the distillers' industry, who questioned whether the you-brews were going to take an increasing part of their business and had a competitive advantage because of their tax-exempt status.

1920

It's probably more correctly referred to, as I understand it, as a taxation benefit for the consumer in recognition of the labour the consumer actually puts into brewing their own beer and wine. That, of course, is the basis of the legislation before us today. It attempts to put some regulations in place so it's clearly understood at what point this is an individual consumer who is making a product for his or her own consumption and therefore should be entitled to some tax advantage over those who are into the business of making beer and wine for clearly commercial purposes, and when the business crosses that line and becomes a commercial business, not an essentially consumer-driven business, with the consumer providing his or her own labour.

We welcome the legislation because it attempts to provide that regulatory framework. My understanding is that the brewers and the winemakers in the province of Ontario have also welcomed this legislation because they too want

to see the regulations made absolutely clear so that there is a playing field that everybody understands. I think the wineries have actually come to recognize that there can be some commercial advantage to them in the you-brew industry, so rather than being distressed about legislation which will recognize the future of the you-brew industry in Ontario, they've actually come to see it as a growing business with which they can co-operate, and some have become suppliers of juice and wine kits for the you-brew industry. So legislation that might have been controversial as little as five years ago I think is supported on all sides, which again adds to my surprise that only the members of the Liberal caucus seem to be rising to speak to this particular bill.

I want to recognize how important this legislation is for the you-brew industry itself and why in their eyes this is something which deserves the kind of debate it's receiving tonight. The history of the you-brew industry over the last few years has been rather rocky. They established their businesses in a tax-free environment, and suddenly in 1993 found themselves facing significant taxes which made it virtually impossible for some of the you-brews to continue to operate. Indeed, in my riding that's when I became personally aware of the kinds of financial challenges that can face you-brew businesses, these small businesses, because there were you-brew businesses in my riding that were not able to survive that initial imposition of taxation. I know the New Democrats retreated somewhat and reduced the taxes, but it's unfortunate that by not getting a real sense of what is needed for viability of a new industry in the province, there were some who were not able to survive that initial overture into an entirely new taxation environment.

That's why the you-brew industry wants to see legislation that will provide a regulatory framework for their operation, including licensing, because it gives them some protection against a constantly changing environment. I would suggest to them that if they think this means that the Conservatives in the future are not going to increase their taxes, they could be in for a little bit of a surprise. That was certainly the expectation for business generally in Ontario when the Conservative government came in, and that's why it has been such a surprise for so many small businesses to find that they're facing enormous tax increases under a Conservative government that was supposed to be friendly to them.

So I'm not sure the you-brew people can take comfort from the fact that although they are now to be regulated and licensed, they will never face increased taxes. I suspect it will be very tempting for the government, particularly if they want to campaign on a new tax cut, to look at ways in which they can tax in other places to get money for a new tax cut.

**Mr Bradley:** Yes, 476 tax increases.

**Mrs McLeod:** My House leader says 476 tax increases. I've started to lose count. That probably doesn't include all the fee increases, which according to the Supreme Court of Canada might now be considered not fee increases but taxes.



**Mr Bradley:** Mike said a user fee is a tax.

**Mrs McLeod:** Indeed a user fee is a tax. The question for the Supreme Court of Canada is, when is a user fee beyond what is required to provide a service, and then it does become a tax. Of course, one of our issues is that those taxation measures done through fee increases are not done in the Legislature. At least if the government decides it's going to provide new taxes for the you-brew industry, along with other businesses, they may have to come back to the House to do what would clearly be a tax.

I was speaking to the temptation I think it will be for the government to want to look at taxation in an area like the you-brews. When I look at the story that came out about a month ago now about the LCBO predicting record profits, one of the concerns when the you-brew industry was first established was that it was going to make significant inroads in taking away business from breweries and from commercial wineries. There were all kinds of statistics being offered about the reduction in purchasing by Canadians and Ontarians in the more traditional areas. Probably we have to say that the you-brew industry has not made significant inroads in terms of reducing the sales, certainly not if we look at LCBO statistics, because they're expected to rake in more than three quarters of a billion dollars in profit before next spring. That's going to mean record sales, and I think that's the fourth year in a row that the LCBO will have record sales.

I know, Mr Speaker, that you want us to stick strictly to Bill 57 in our discussion this evening, so I won't linger on what you might be able to use those record profits from the LCBO for. Because I've been so immersed in two things this week — one is the dire situation facing our hospital and its operating deficit, and the other, of course, is the school closings or maybe the special education students who aren't getting funding — I found myself wondering, when I look at the \$761 million in profits that will be coming into the provincial treasury from the LCBO this year — again, the fourth year in which they have set a record, so this is profit above and beyond what the Harris government might reasonably have expected — I wonder what that \$761 million could be used for.

That is, as I recall, almost enough to replace the entire amount that the Harris government stripped away from hospital budgets. It's almost as much as they've stripped away from education budgets. That money that is coming from the taxation and is showing as an LCBO profit, coming directly into the provincial treasury, is certainly a significant amount and could offset some of the cuts this government has been compelled to make to bring in its tax cut. I sincerely hope they're not going to use those profits for another tax cut, when there are so many needs that people are raising with them on a constant basis.

That does take me a little bit away from Bill 57. I introduced that subject because there is a direct relationship: There was a concern in the past that any recognition of the you-brew industry would take away from the kinds of profits that the LCBO has made in the past, and clearly that is not the case, because the LCBO is going to have record profits. I was suggesting it might also be rather

tempting for the government in the future to look at obtaining some of that kind of revenue by looking at taxing you-brews in the future.

I'm going to conclude by again being a little surprised that the government members are not prepared to participate in this debate. I'm surprised because, as I suggested, I understand this to be trend-setting and precedent-setting legislation. I'm surprised that they're not wanting to trumpet, quite frankly, bringing in a piece of legislation which is likely to get support in the House from opposition parties, as well as bringing in legislation in an area which in the past has been controversial and which I understand is not controversial now. I'm surprised that they're not wanting to use this as an occasion to expound once again on all the things that the Harris government is doing for small business while they ignore the very negative effect they have had on small businesses with the significant property tax increases that small businesses are facing because of the Tory government.

I actually shouldn't be surprised, because I think I know why this government is not participating actively in the debate tonight. I think they would like to go home, and it makes something of a farce of an evening sitting. We're supposed to be here because we have urgent matters of public business to do, yet the government doesn't think it's urgent enough to participate in the debate. It might have been in the public interest if we had had a rerun of question period tonight so the public could have had a chance to hear debate with all members of the House participating.

**1930**

**M. Jean-Marc Lalonde (Prescott et Russell) :** C'est avec plaisir que je prends part à ce débat de ce soir sur le projet de loi 57. C'est un projet de loi qui modifie la Loi sur les permis d'alcool de façon à prévoir un régime de permis concernant les centres de brassage libre-service pour ce qui est de l'industrie de la bière et du vin.

Le nouvel article 5.1 est très clair. C'est que la commission délivre un permis de vente d'alcool, un permis de livraison d'alcool, un permis de représenter un fabricant ou un permis d'exploitation d'un centre de brassage libre-service à la personne qui en fait la demande, si sa demande est agréée par un membre ou un employé de la commission ou par cette dernière, et qu'elle se conforme à la présente loi et aux règlements et a acquitté les droits exigés.

Je crois que la façon dont nous allons procéder avec ce projet de loi va être très facile. Mais aussi, on doit dire que ça va donner un meilleur contrôle au gouvernement, non seulement que ça va aller chercher des revenus additionnels — ce n'est pas ça que nous regardons, parce que ce gouvernement, nous le savons tous, essaie toujours d'aller chercher dans le fond de nos poches des sous additionnels. Donc ce n'est pas ça. C'est que nous allons réglementer la qualité, l'accès à l'achat et aussi nous assurer que les jeunes de moins de 19 ans ne puissent pas aller se chercher une bouteille de vin qui, on le sait bien, a un certain contenu d'alcool.

Je crois qu'il est très important que les francophones qui surveillent le débat ce soir à la télévision comprennent que ce projet de loi va être une procédure additionnelle pour ceux qui sont les brasseurs de vin ou de bière dans la province de l'Ontario.

I regret that I have to revert to English in this case, but I have to bring this to your attention: In Prescott and Russell alone, with the ice storm we had, the you-brews were affected by the ice storm. I wish this government had introduced a bill that would financially help those that were affected, but we're talking about Bill 57. Just this afternoon, a dairy farmer who was also producing some wine told me that he had \$300,000 damage during the ice storm. This afternoon alone, two collection agencies contacted that dairy farmer. The hydro is going to be cut off because he hasn't paid the bill.

This government hasn't given any help to the dairy farmers of eastern Ontario since the ice storm. It has been how many months? It has been 10 months now, but still we're talking about Bill 57. We have to treat all the people of this province at the same level. The dairy farmers of eastern Ontario, the business people of eastern Ontario, have been pretty much affected, and to date we haven't done anything about it. I contacted the Kemptville office this afternoon and some of them just got the adjuster appointed on October 29. What will happen at the end of this week coming? Probably the bank will seize them. I don't know what will happen.

I should go back to the French debate. But I wanted to make sure that all the members of the government side understand the crucial time we have been going through in eastern Ontario ever since the ice storm.

En ce moment, oui, nous allons supporter ce projet de loi parce que nous croyons que c'est une protection pour le consommateur de l'Ontario: non seulement qu'on va créer des revenus additionnels, c'est surtout pour le contrôle exigé, et aussi la qualité, par les règlements qui vont être mis en place par le gouvernement. Aussi, l'opposition est en accord avec ce projet de loi-là. Ça va certainement donner une bonne poussée au gouvernement de dire pour une fois que l'opposition croit en un de vos projets de loi que vous soumettez aujourd'hui, puis nous allons le supporter jusqu'à la fin de la troisième lecture.

Donc, c'étaient les points que je voulais soulever. Merci à tous les membres qui supportent ce projet de loi.

**The Acting Speaker:** Further debate?

**Mr Peter Kormos (Welland-Thorold):** I should indicate I'm not going to use up the whole hour of leadoff time here. I'm going to try to make this as brief as possible.

I should tell you first that the New Democrats are supporting Bill 57 on third reading. Down where I come from the concept of brew-your-own is not particularly new or novel. It's been going on for decades, for generations. You know I come from one of the finest winemaking areas in all the world, down in the Niagara region. It's an industry that's growing dramatically, even over the course of the last five or six years.

In terms of appreciating that this is a regulatory regime, I've got to confess — and we have several brew-your-own

beer and wine down in the Welland-Thorold-Pelham area — that I've never personally been involved in brewing up a batch at one of these locations. I've visited their locations. There's some incredible investment in these places. There's some substantial investment in the equipment that's necessary to make one of these places effectively. That's first of all.

Second, as you know, this industry mushroomed and grew, and one of the problems that occurred was that, as happens so often with a successful industry, it proliferated at such a high rate that the market couldn't sustain all of the operators in the business. Over the course of the last three or four years, sadly, we've seen some of those small business operators fall by the wayside. There simply wasn't enough demand to sustain all of the suppliers of you-brew, brew-your-own facilities.

Things certainly have changed. I remember when I was a kid, in the fall of the year —

**Mr Tom Froese (St Catharines-Brock):** You can remember that far back?

**Hon Jim Flaherty (Minister of Labour):** It was before the war.

**Mr Kormos:** It was some time ago — that pungent and very distinctive odour of mash as it was put out curbside by so many of my neighbours. It was long ago when I was a kid. I remember Charlie — I had a beagle. I don't know if you recall me talking about him, but Charlie got into some mash that was laid out curbside. I don't think he remembered the scenario, but he'd never forget the aftermath. You couldn't get him near the stuff again.

Frank Rao lives just down the road from me. Frank has made as fine a bottle of wine as you'll ever find. Some of the other members have talked about the traditions that people have brought to Ontario, to Niagara region, from their homeland. I remember one year John Trufal made some raspberry wine down on Harriet Street that, I tell you, was out of this world. I was very honoured. He's either taken me off the list of beneficiaries of his wine-making or he hasn't made it again. I would certainly appreciate the opportunity to taste that one more time, to refresh my memory of what was some fine raspberry wine.

From time to time the brew-your-own down in Niagara extended beyond — what else do you do with a bad batch of wine but go down to the hardware store, buy 15 feet of three-eighths-inch soft-wall copper tubing and do your best with it? I've seen a couple of those setups from time to time. I suppose I was fortunate. We didn't use any — “we?” I'm sorry, the ones I observed didn't use any high-tech testing equipment, the sort of stuff that's available to consumers in you-brews. I think you know exactly the process. You put it in a spoon and lit it, and the brighter and bluer the flame, the purer your product was. As I said, what else do you do with a bad batch of wine?

There's some economic theory applicable here. It's called value-added production. You create value out of a commodity that would have had a lesser value were it not for the labour input.



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I'm glad we've got the Minister of Consumer and Commercial Relations here because there are a couple of things very much related to this whole process. You're familiar with what's going on in Niagara: an incredible growth in small wineries. You drive along Highway 8 — and it's not just restricted to Highway 8 — Beamsville, Vineland, into St Catharines, and it seems that every month there's yet another new winery. They're very small wineries. You know what I'm talking about. As often as not, they're not growing their own grapes. They're all doing quite well in what is an increasingly competitive market. That's why I'm glad the minister is here.

One that I'm most familiar with is Henry of Pelham.

**Interjection:** In Pelham?

**Mr Kormos:** In Pelham, of course, and it's owned by Henry. One of the problems these people have, I'm going to be quite candid with you, is the phenomenon of Sunday openings of LCBOs. It's a legitimate problem. It's detracted significantly from their on-site sales. I think they've mentioned that to you at least a couple of times. They understand you can't roll back the clock. I was never an advocate or a fan of Sunday shopping. I recall there were some members of other political parties who were long-time opponents of Sunday shopping. I understand it's irreversible at this point. It's going to be very, very difficult to roll back the clock.

At the same time, though, talk to some of the small corner store operators; not the chains, not the Becker types of stores that are owned by the big companies, but talk to my friend Sang Anh — I've told you about him before — over at the corner of West Main and Denistoun, with Denistoun Variety. Here's a young man with a young wife. These folks work easily 18 hours a day, literally seven days a week, running that corner store, working like dogs. Arnold Dubé is another one over on Aqueduct Street. Now, because of Sunday openings, they find their revenues significantly reduced.

The same thing has been happening with respect to on-site sales at these small wineries located across Niagara region. LCBOs are open now on Sunday. People aren't accessing — that used to be one of the attractions. Mr Froese knows about it and I'm sure he would speak to it. He'll have the opportunity to speak to the issue when I've completed in a few short minutes. Mr Froese knows exactly what I'm talking about. It was the Sunday access. You had to be small, as often as not family-run, wineries with on-site sales that generated a significant amount of the revenue. They've been seriously negatively impacted, they tell me. If they're wrong and I'm wrong in telling you that, then I hope the minister will say so, but they've been significantly impacted by Sunday shopping in LCBO outlets.

I'm going to talk a little more about some of these small wineries and the relationship of their success and vitality side by side with the phenomenon of you-brews. In some respects it's part and parcel of the same industry and in so many other respects they are two very, very different kinds of things.

One of the things I wish the minister would focus some attention on — and he knows what I'm talking about and so do you — is that nothing rots my socks more than to get on an Air Canada flight that originates in Ontario and with the meal you get a small bottle of some very bad French wine. It's something people should be far angrier about than I've sensed people to be.

**Mr Pouliot:** It must have been a very bad wine.

**Mr Kormos:** Every time I've been on a Canadian Airlines or Air Canada flight originating in Ontario and they do the French wine — and as I say, it's bad French wine; it's cheap French wine; it's not very good French wine at all; it's not very good wine, I don't care where it's from — I've made a point of asking the steward or stewardess, or flight attendant I suppose is the proper name, and explaining to them. Some of them now, if I'm on this particular flight, say, "Please, please," and I say, "I understand it's not your decision to do this."

The wineries should be mad. I've talked to them. One told me once that they were instructed to tell consumers who complained about not having Ontario wines that the Ontario wineries don't have sufficient capacity to provide the airlines. What a crock. That was the line they were told to use. I legitimately prevail upon the minister here to use his status, his prestige in the province, his fame — the fact is he's a household word. The Minister of Consumer and Commercial Relations could use that stature to prevail upon — and I say this is in all seriousness — those same airlines. You can bet your boots that Air France ain't serving Ontario wine when it departs from Paris. You can count on it. It does not happen.

First of all, the wine industry told us that in terms of capacity, trust me, they can provide flights originating in Ontario with Ontario wine. That's number one. That's something that some of these small wineries have talked to me very specifically about. I know Mr Froese has been approached in the very same way and I know he'll speak to that in a few minutes when I yield the floor to him.

One of the other problems we've got is that some of these wineries feel hard done by by the LCBO. I understand the LCBO and its effort to approach things in what they perceive as a businesslike manner. But, by God, it is the Liquor Control Board of Ontario and I'm advised by some of these small wineries, some of these small winemakers, that because of some of the recent marketing practices, approaches if you will, of the LCBO, they've had a measurable drop in sales of Ontario wines.

I again would ask the minister to very seriously consider asking for a review of the status given Ontario wines. Look, I've got a preference. I understand wines come from the Pelee Island area — they do — but I've got a preference, I've got to tell you, for wines from Niagara. I think you'll understand why I say that: among other things, ice wine and the incredible impact that's had internationally, and the growth of small family-run wineries and of course the corresponding industry of growing grapes and supplying grapes.

I submit to you, Minister, that there are some problems that should be addressed, that can be addressed on the part

of LCBO and how they're marketing Ontario wines and the fact that Ontario wines may not be getting the profile they should be getting in our LCBO outlets.

One of the problems — and I was very surprised to find out about this — is the business of off-site sales. I hope I'm using the right language, and I know Mr Froese will speak to it and correct me if I'm wrong when he has a chance to speak after I'm finished, because we're rotating and he'll have an opportunity to address this bill in a few short minutes.

But I believe it's what we call the off-site sales. That's where you set up a kiosk in a grocery store. Minister, please, if I've received less-than-accurate information — and I don't think I have. I think I've have had it explained to me very specifically and very accurately. The licences for those off-site sales, if you know what I mean, the ones in the supermarkets, for instance, have sort of the scarcity about them of Metro Toronto cab licences — literally. There's X number and the licences that are owned are not always being used by the owner of them, to wit, a particular wine manufacturer. That has basically squeezed out the little players from ever getting involved in this off-site sales, those direct sales to consumers off-site.

That strikes me that doesn't in any way, shape or form assist this growing industry in Niagara and other parts of the province from acquiring the stature it deserves. You know, and the winemaking industry in this province has been speaking with you and your staff, about the whole business of direct selling of wines and the fact that at the end of the day the LCBO takes its rake whether or not it even sees the bottle of wine. I'm not just talking about the taxes here. I'm talking about the markup by LCBO. I appreciate, and so do the wineries, that you can't have a scenario where LCBO no longer has the role that it should have in terms of distribution and marketing of liquor products, but there are also some pretty specific scenarios in which you can envision a small winery especially doing a direct sale and direct delivery of its product. For it to be paying the same markup, for the LCBO to be taking the same rake-off as they do on that bottle they put on the shelf, stored, paid for the cost of maintaining it as a product — I mean it simply isn't there.

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I've got to agree with the small wineries that I've spoken to about the unfairness of that position they're put in that prohibits them from engaging in direct sales. Those are the things, quite frankly, that I wanted to raise.

I've got to tell you, the fact that this legislation is endorsed by the Brew on Premise Association of Ontario, albeit representing only, I'm told, 60% of brew-on-premises, the fact that it's supported by that industry goes a long way in suggesting to me and my colleagues in the NDP that this legislation, brief and modest as it is, deserves support.

One of the problems that's contemplated or anticipated, though, is the prospect of using the licensing and fees being charged along with the licensing as yet, dare I say it, another tax grab.

**Mr Bradley:** Is a fee a tax?

**Mr Garry J. Guzzo (Ottawa-Rideau):** It'll never happen.

**Mr Kormos:** The judge from Ottawa says it'll never happen. If you were the Minister of Revenue or the Treasurer, I suspect that it may not happen because you sometimes march to the beat of your own drummer. I've seen it in writing. But the fact is you're not, and this government has a long history now of imposing user fees under the guise of licensing fees and other fees for getting certificates or processing. Look what happened in a recent court case, a fascinating decision about probate fees.

**Mr Guzzo:** What government was that?

**Mr Kormos:** I don't care what government does it; the fact is that it's wrong regardless of what kind of government does it. The fact is that these are the guys in government now and these are the guys who have been jacking up so-called user fees when in fact they're — you know that this bill talks about licensing and there are going to be fees concurrent with the licensing. This government has had its knuckles wrapped in terms of using what it calls probate fees as, in effect, a tax, fees merely passed by regulation now.

You should also be interested in what's happened with respect to a whole lot of the fee-generating powers under Bill 25, and we're going to be debating that, I'm told, tomorrow night. This talks about licensing; concurrent with licensing is the prospect of fees. Again, the you-brew industry itself is not opposed fundamentally to licensing. Their lobby group, the Brew on Premise Association of Ontario, some 60% of the operators, supports this bill, but has expressed very specifically concerns about increased taxation and about using licensing fees as a cash grab.

We saw it in estimates. As a matter of fact, one of the ministries that was most culpable was the Ministry of Consumer and Commercial Relations. They gutted the ministry, jacked up fees and showed themselves to be running at usurious new profits. Minister of Consumer and Commercial, you remember, and Mr Bradley remembers. We were in estimates. We very carefully took area by area because that's when they created self-regulation, so they passed on the regulatory responsibility but maintained the fee-collecting power. They kept raking in the dough, but wouldn't accept any responsibility for policing, for instance, the regulations that were being imposed in any given number of sectors of any number of industries that were traditionally supervised by the Ministry of Consumer and Commercial Relations.

There may well be individual operators, for instance, those who either don't subscribe to the view expressed by the Brew on Premise Association of Ontario or those who are members but who don't necessarily agree or who are individual operators who prefer not to belong to that association. I think it's important to hear from these people if indeed they indicate a desire to be heard and to let them have their say in response to this legislation.

You understand that this of course is going to be administered by the Alcohol and Gaming Commission of Ontario. Am I correct about that?

**Mr Bradley:** I think they do.



**Mr Kormos:** I don't want to digress. I don't want to get off topic. I couldn't talk about the Alcohol and Gaming Commission if it weren't relevant to the bill, but I think it is relevant because this regulation is going to be enforced by the Alcohol and Gaming Commission of Ontario.

Let me share with you my concerns. This government merged the two bodies. Look, there's nobody in the community who doesn't want to see standards maintained in you-brew premises, be it for beer or wine; who doesn't want to ensure — what's the language — that there's a level playing field for all the players, all the operators; who doesn't want to ensure that people abusing or — you know what we're talking about. We're talking about you-brews that are in effect bootleg operations. Is it fair to put it that way? Is it fair to be that blunt, that bold? There's a fear that some you-brews are in effect bootleg operations. The ones playing by the rules are saying that that puts them at an unfair advantage.

We've got legislation here that, for instance, controls the ability of people under the age of 19 to use the premises to brew their own, if you will — but all supervised by the Alcohol and Gaming Commission of Ontario. That's where I've got to express some concerns; not about the commission per se but about how candid this government has been when it has come to issues that very much involve the Alcohol and Gaming Commission.

Earlier today you heard this Legislature reminded, you heard the government reminded, you heard the Chair of Management Board being reminded that back when we were talking about Bill 75 and video slots, VLTs — Alcohol and Gaming Commission of Ontario — we knew there was a major OPP paper and analysis that dealt with organized crime and the gaming industry and — this is where it becomes very relevant now to Bill 57. As a matter of fact, what's interesting is that Bill 57 is Bill 75 with the numbers just reversed. I think I'm getting very on point now: Bill 75, Bill 57, you just reverse the numbers.

You heard us earlier today express great concern about the fact that there was a major OPP report about the role of organized crime in gambling and the capacity that organized crime had to infiltrate the new gambling schemes being created by this government very specifically pursuant to Bill 75. You heard how we petitioned and prevailed upon the government during the course of those committee hearings to produce that report. The government stonewalled; the government blocked the release of that report. I've read most of that report since then because most of it has eventually been leaked out.

We now discover that in 1996, for instance, during the period of time when that same justice committee was debating, or trying to deal with and respond to the issue of video slots and the gross expansion of gambling by this government — gaming, which one would assume would be supervised by the gaming commission or in some respect supervised by the gaming commission, the very same commission that's going to be supervising this amendment to the Liquor Licence Act — we find out that there was a very comprehensive legal opinion prepared at the request of the Ontario Lottery Corp which basically

said that gaming — for the first time that we're aware of such a report being prepared. Please, I want to make that perfectly clear. It was only in 1996 that a comprehensive legal opinion was prepared suggesting that the nature of gaming, casino gambling and especially the proliferation of video slots were a violation of the Criminal Code of Canada. The government concealed that report.

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**Mr Froese:** No.

**Mr Kormos:** The government did. I know that we're talking about Bill 57 and I know we're talking about you-brews and the regulation of you-brews, and we're talking about the supervision of that regulation being performed by the Alcohol and Gaming Commission of Ontario. I'm just expressing some concern here.

In this scenario, am I concerned that the government has been less than forthright? I've got to tell you there's no reason for me to suspect the government's not having been forthright but for the fact that they've been so lacking in candour in the past. A legal opinion prepared at the request of the Ontario Lottery Corp saying this government's gambling scheme is a violation of the Criminal Code of Canada and the government sat on it, wouldn't share it with members of the justice committee, and suggesting that there could well be charges laid in due course — I don't know who would be charged. There would be all sorts of arguments made about immunity, maybe about the fact that — the Premier isn't a head of state, so we can't do the Pinochet argument. The fact is that he's directly responsible at the end of the day.

**The Acting Speaker:** Be careful. That's not very complimentary and I would not accept that at all.

*Interjection.*

**The Acting Speaker:** No, no. I think the member for Welland-Thorold understands me very clearly. Please withdraw that.

**Mr Kormos:** I withdraw that. That was entirely inappropriate, Speaker. The comparison of the two was not appropriate and I appreciate your direction in that.

With the case of Mike Harris's government, we're talking about merely violating the Criminal Code of Canada and expanding prima facie illegal gaming activities. It makes Bugsy Siegel look like a law-abiding citizen. A little closer to home now, huh?

In any event, I've got great concerns about this government's inability —

**Hon Mr Flaherty:** On a point of order, Mr Speaker: The member opposite indicating that he viewed the Premier as violating the Criminal Code of Canada seemed inappropriate.

**The Acting Speaker:** Take your seat, please. If you'd paid attention to what I said, I corrected him. I didn't accept that. I asked him to apologize. I don't accept that kind of comparison. It's totally inappropriate, and as long as I'm in the chair I won't accept it. He apologized. You should have paid attention.

**Hon Mr Flaherty:** I was, Speaker, and his comment with respect to the Criminal Code, with respect, was made after your intervention.

**The Acting Speaker:** Member for Welland-Thorold.

**Mr Kormos:** I'm not going to rehash old ground. I'm just stating that there's no head-of-state defence available to the Premier when he's been very directly involved in the promotion of a comprehensive report prepared by a major law firm, retained by the Ontario Lottery Corp, which says that this government's expansion of casino and maintenance of its casino operations and gambling operations appear to be in violation of the Criminal Code of Canada. I read the report. It was an opinion expressed by lawyers who were retained by the Ontario Lottery Corp. The problem is that we should have had that report when we were debating Bill 75 back in 1996. The government sat on it. The government hid it away.

I leave you with that, Speaker. I reassert our support for Bill 57 and I assure you we're going to be revisiting this government's hiding away and blocking of public release of very important documents like the OPP crime report and the legal opinion indicating that the government's casino scheme is contrary to the Criminal Code of Canada. We're going to be pursuing those with vigour.

**The Acting Speaker:** Questions or comments? Further debate?

**Mr Bradley:** I'm going to be wrapping up for the official opposition in terms of the third reading of this bill this evening and to offer a few remarks about it.

I'm looking forward to your remarks, and other colleagues in the House, on the occasion of Remembrance Day. Ordinarily, the last week before we experience and mark Remembrance Day, we have representatives of each of the three political parties in the House together express their views about the individuals who have given their lives and served on behalf of the country. This gentleman who is in the chair at this time, M. Morin, has been the spokesperson for the Liberal Party for some time. I enjoy his remarks and the remarks of the others, so I'll be looking forward to that.

What I find somewhat amusing this evening and worthy of remark is the fact that we have the Mike Harris Conservative-a-Tory government passing legislation which establishes a new regulatory regime in a specific area. I thought this government was all about removing regulations and thought that regulations were some evil instrument used by previous governments. Tonight we are going to pass legislation which in effect establishes new regulation.

I'll have to report this to the red tape commissioner, the chair of the Red Tape Commission, my good friend from Lincoln, who on so many occasions has mentioned how wise it is of the government to remove regulation. I'll have to let him know that this bill establishes regulation and establishes an opportunity for the government to collect further taxes, because of course our Premier, Mike Harris, said that a user fee is in fact a tax. While this legislation is contrary to the Red Tape Commission and its main thrust, I trust that all the government members will still be voting for it.

The quality of wines in Ontario has been mentioned by my colleague from the Niagara Peninsula and by others. I think all of us in this House now recognize that the quality

of Ontario wines has done nothing but improve over the years. It used to be that years ago, a couple of decades ago, people would make disparaging remarks about our wines and the defence was pretty weak in terms of those of us in Ontario who would stand up for and state the high quality of our wines. Today, of course, we rank among the best in the world. I suggested back then there were some very good wines, but they simply weren't recognized. Today we have developed a number of new wines that are of the highest quality, particularly those wines which are designated as Vintners Quality Alliance wines — VQA, as we call them. This is an effort on behalf of those who operate our wineries to ensure that we have for those who want to consume wines a very high-quality product. That is why we have the VQA appellation.

I would like to see this government, or any subsequent government, pass legislation which would give official recognition in law in Ontario to the VQA appellation or designation. One of the arguments that people in Europe, particularly the French in France, use against us is that we don't have this kind of authority in law to call our wines Vintners Quality Alliance wines, that we don't have government backing. I suggest that it is there, it simply isn't there in legislation, and that is a piece of legislation which I'm sure would receive unanimous and speedy passage through this House. I would hope the government would move, after this legislation, in that direction.

I am pleased that the Liquor Control Board of Ontario has been saved from the clutches of those who wish to privatize anything that moves in this province. The minister of privatization, who has privatized three tree nurseries now, is well on his way, earlier today privatizing a highway, turning the keys over to the private operators of this highway so that they can make millions of dollars charging tolls and own something that will be utilized by some people in this province.

But we have saved the LCBO. I suspect it's the petitions that some of us read in the House on a daily basis that turned the tide. The Speaker who is in the chair would know that is probably the case, because he listens carefully to the petitions. I'm sure he would recognize that they turned the tide and forced the government to reconsider its earlier plan to turn the Liquor Control Board of Ontario stores over to its friends in the private sector who were looking forward to making outstanding profits on them. The reason I say that is that the LCBO is one vehicle which we have to promote our Ontario wines in an appropriate fashion.

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As someone mentioned earlier this evening, it is unlikely that in France they are featuring Canadian wines on the shelves of their stores. In fact, it is often difficult to penetrate the market in many other countries because of these non-tariff and semi-tariff barriers that they have; in other words, trade impediments that they put in front of Ontario wine.

I'm pleased to see that those of us who wanted to save the LCBO as an instrument of the government of Ontario and as a controlling agency, controlling the quality of the



product and the distribution of the product, have been successful. If not the petitions in the House and the questions in the House, it may well have been the speech I delivered to the employees of the Liquor Control Board of Ontario at their annual convention that turned the tide. I know that the Minister of Consumer and Commercial Relations was obviously listening to that particular intervention on my part and I want to compliment him on accepting that good advice.

Placement, by the way, on LCBO shelves is important. If the LCBO in any area features wines other than Ontario wines in a very decorative and appealing way, it certainly gives a leg up, if you will, to the wines from other countries. I would always hope that we would have a fine featuring in all LCBO stores in Ontario of our particular wines, which are of the highest quality.

Another member from Niagara made reference to the Air Canada circumstances. It used to be that if you went on Air Canada or perhaps even Canadian Airlines and asked for a Canadian wine, the steward looked at you as if you'd asked for turpentine. That meant the wine steward was very uninformed and didn't know of the high quality of Canadian wines. Today there is some penetration into that circumstance; not enough, in my view, but there is the penetration and people are now enjoying Ontario and other Canadian wines as a result.

The offshore competition we face is unfair, in my view. I think most of us in the peninsula would agree with that. You have under-the-table subsidies, you have subsidies that aren't under the table, you have promotion of their products to the great exclusion of products from other places, and they have other ways of preventing us, as Canadians, from penetrating their markets. Therefore, I think we're quite justified in Ontario in doing as we do when we promote our product. We're very good to foreigners in Ontario in terms of foreign wine producers. We transport them and we put them on the shelf, we stock them, we carry out a lot of things which are beneficial to foreign wines. Surely, we should not feel reluctant at all to make sure that our wines are featured well on the LCBO shelves.

Sunday openings were beneficial to our wineries. I'm not particularly happy about the Sunday openings of the LCBO because I think they have hurt our individual wineries. There is a difference. You can remember when you had a "tourist" designation. If you had a type of business that appealed to tourists who might come in to buy apples or peaches or pears or something like that or our wines, a lot of that involved tourists coming from the United States or from the Metropolitan Toronto area, the greater Toronto area, to visit our wineries on a Sunday, to go out for a Sunday drive. Having them opened, as the Peterson government permitted in the late 1980s, was somewhat beneficial, as was the use of credit cards. There was a time not that long ago that you could not use a credit card at one of our cottage wineries. So you'd go into Niagara-on-the-Lake or you'd go west of St Catharines, into the Beamsville and Grimsby area and so on, any one of these areas, southwestern Ontario, and you couldn't use a credit

card. A lot of Americans or people from afar would come over with credit cards wanting to purchase some quantity of wine at that local winery, didn't necessarily have the cash, and couldn't buy it because credit cards weren't used. The Peterson government permitted that to happen and we were pleased to do so.

There was also a substantial investment by government in the very late 1980s in the wine industry, in the grape-growing industry. A lot of people forget that. A lot of people forget that it took some government investment, some investment on the part of the taxpayers, to help turn around this industry. The vogue today is to not have government provide any of what people would call handouts or investment in what is considered to be the private sector. I'm going to tell you that the assistance provided by the government of Ontario in that time saved us, particularly as we were facing free trade pressures and ultimately NAFTA pressures and international pressures, that is, the general agreement on tariffs and trade, GATT. With all the pressure and all the competition and the desire to change the kind of grapes we were growing, it required a significant government investment in our wine industry. Without that investment, it's unlikely we'd be enjoying the kind of progress and success we see today.

Also, there are many entrepreneurs out there, farmers and winemakers, who have worked extremely hard to produce high-quality grapes and ultimately high-quality wine and grape products, and we have been successful for that reason. It's a success story about which much should be said, and we're certainly delighted about it in the Niagara Peninsula.

I want to say as well, as I did the other day, that direct delivery to restaurants would be the next move that would be beneficial. Mr Speaker, what you should understand is that now, if we wish to have Niagara wines delivered to a restaurant in Etobicoke, for instance in the new riding of Etobicoke Centre, where you are contesting the Conservative nomination against Mr Ford — I know you want me to be fair and to say that. I know you are contesting the nomination in Etobicoke Centre.

**The Speaker (Hon Chris Stockwell):** On November 23.

**Mr Bradley:** On November 23.

If we were to deliver the wines to a store there, the LCBO gets a markup, a take. Mike Harris gets his hands on something close to \$10; a big chunk of money comes to the government of Ontario. What our grape growers are saying, what our wineries are saying, particularly the smaller cottage wineries, is, "Let us deliver, but don't charge us for that delivery." They want direct delivery to the restaurants. I certainly support that. That is something I hope to see in the next provincial budget. As I indicated the other night in this House, I'll lead the applause when that's announced by the Treasurer. I'm sure it will be on the government members' — what is it they put down? They must put the budget speech down and they have a place where they're supposed to applaud. The member for Nepean usually leads the applause and then others join in the applause.

**Mr Froese:** But you'll lead that one.

**Mr Bradley:** I will lead that. My friend Tom Froese says I will lead it, and he is right. If that is contained in the budget, I'll be the first to applaud the Treasurer for having listened to my suggestion that he allow direct sales to the restaurants by the wineries.

I'm worried as well at the cut in the LLBO staff, because if you have a cut in that staff they may not be able to supervise the provisions of this bill in appropriate fashion. I look around at the Ministry of Consumer and Commercial Relations and I worry about the cuts to staff that have taken place since 1995, because I want my friend the minister to have the appropriate staff and resources to carry out his responsibilities. He's had to, in so many areas, put the fox in charge of the henhouse. So there's not government supervising in this case but the person in that business supervising that business. That works sometimes, but I've often thought it's fair and impartial to have the government looking at that so it's fair and impartial to all in the business.

I worry, for instance, when I see that there's not enough staff to deal with these scams going on. Much as we try hard, the telephone scams and the mail scams go through, where something says you've just won \$11 million. Everybody on your street's probably won \$11 million; all you have to do is fulfill the conditions, which are in print you need a magnifying glass to read, and it usually costs you some money. I'm hoping that the minister will have appropriate staff to be able to tackle those kinds of problems.

I remember once somebody tried to sell some kind of ink to my office, some firm in Toronto that worked out of a small — I wouldn't even call it an office — warehouse in Toronto. They phoned and made like they were from Xerox and said, "We're going to have a 40% cut, but you have to buy it by Tuesday" or something. They made it sound very legitimate. I had to storm down there —

**Mr Froese:** Because it was cheap, eh?

**Mr Bradley:** Well, it's the taxpayers' money.

I had to storm down there, with other people, of course, because somebody said: "You've got to watch out for those folks. Sometimes they're trouble." I had to bring it back and plunk it down on the desk. The person accepted that in this particular case, but I know a lot of people who were stuck, left out in the cold by this. I know that the Minister of Consumer and Commercial Relations and the OPP would want to be aware of that kind of operation going on.

I want to say as well that if we're going to have good grapes, we've got to have good land available. I am perturbed when I see the continuous development of prime agricultural land in the Niagara Peninsula, for two reasons: In many locations we have very good soil conditions, and all over the Niagara Peninsula below the escarpment

we have favourable climatic conditions for the growing of tender fruit. When I see developers buying up land right adjacent to the city urban boundaries in any area, particularly the agricultural land, and leaving it to lie there and not farm it and then come to a city council or a town council and saying, "Nobody's farming it, so we may as well develop it," I become very perturbed.

What attracts many people to the Niagara Peninsula from the United States and particularly from the greater Toronto area are the large tracts of agricultural land. To keep the farmers on the land, we have to make it viable. We have to see that the appropriate prices are paid for our food or that other assistance is provided to them indirectly, if we're not prepared to pay that price on food. I'm prepared to see that happen. But I think these continuous applications for severances are unhealthy as urban people move out to the country and then complain about the country odours and the noise and the dust and so on.

I hope our municipal councils around the Niagara Peninsula are wise enough not to pave over every last centimetre of agricultural land until we have one big mass from Metropolitan Toronto to Fort Erie and then nothing else left for agriculture. The soil is good and the climatic conditions are good, and I want to see my friend Tom Froese being able, as he so ably does, to farm his property for many years to come and produce the kind of product that all of us want to see, and other farmers in the Niagara Peninsula.

It's the last minute of play, so to speak, in my speech. I am concerned, of course, about the Hotel Dieu Hospital closing, but that's not part of this bill. The only way it is, is that many of the people who buy some of the product that is found in our wineries are also some of the people who support Hotel Dieu Hospital in St Catharines staying as it is, continuing to provide service to the people of our community for many years to come. None of us wants to see the Hotel Dieu closed, I'm sure. I know all the Niagara Peninsula members will be writing to the commission asking that the Hotel Dieu not be closed, that the boots not be put to the Religious Hospitaliers of St Joseph, the nuns who have served so well over the years, and that that particular hospital be allowed to continue to provide outstanding medical service to all in the Niagara region.

**The Speaker:** Questions and comments?

Mr Tsubouchi has moved third reading of Bill 57. Is it the pleasure of the House that the motion carry? Carried.

Resolved that the bill do now pass and be entitled as in the motion.

**Hon Mr Tsubouchi:** Mr Speaker, I move adjournment of the House.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried. This House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2025.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon / L'hon Chris Stockwell

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Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Cochrane South / -Sud	Bisson, Gilles (ND)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
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Etobicoke West / -Ouest	<b>Stockwell, Hon / L'hon Chris</b> (PC) Speaker / Président		
Fort William	McLeod, Lyn (L)		

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Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	Grimmett, Bill (PC)	Sarnia	Boushy, Dave (PC)
Nepean	Baird, John R. (PC)	Sault Ste Marie / Sault-Sainte-Marie	Martin, Tony (ND)
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Niagara South / -Sud	Hudak, Tim (PC)	Scarborough Centre / -Centre	Newman, Dan (PC)
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Northumberland	Galt, Doug (PC)	Scarborough West / -Ouest	Brown, Jim (PC)
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Oakwood	Colle, Mike (L)	Simcoe East / -Est	McLean, Allan K. (PC)
Oriole	Caplan, David (L)	Simcoe West / -Ouest	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Oshawa	Ouellette, Jerry J. (PC)	Sudbury	Bartolucci, Rick (L)
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Ottawa East / -Est	Grandmaître, Bernard (L)	Timiskaming	Ramsay, David (L)
Ottawa-Rideau	Guzzo, Garry J. (PC)	Victoria-Haliburton	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Northern Development and Mines, Chair of the Management Board of Cabinet / ministre du Développement du Nord et des Mines, président du Conseil de gestion
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Peterborough	Stewart, R. Gary (PC)	Wilson Heights	Kwinter, Monte (L)
Port Arthur	Gravelle, Michael (L)	Windsor-Riverside	Lessard, Wayne (ND)
Prescott and Russell / Prescott et Russell	Lalonde, Jean-Marc (L)	Windsor-Sandwich	Pupatello, Sandra (L)
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Riverdale	Churley, Marilyn (ND)	York-Mackenzie	Klees, Frank (PC)
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St Andrew-St Patrick	<b>Bassett, Hon / L'hon Isabel</b> (PC) Minister of Citizenship, Culture and Recreation / ministre des Affaires civiques, de la Culture et des Loisirs	York South / -Sud	Kennedy, Gerard (L)
St Catharines	Bradley, James J. (L)		

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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Second Session, 36<sup>th</sup> Parliament

**Assemblée législative  
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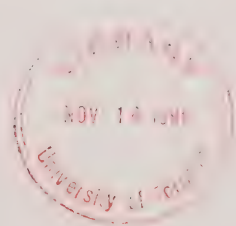
Deuxième session, 36<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 3 November 1998**

**Mardi 3 novembre 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Greffier**  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 3 November 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 3 novembre 1998

*The House met at 1332.  
Prayers.*

### MEMBERS' STATEMENTS

#### SCHOOL CLOSURES

**Mr Mario Sergio (Yorkview):** For the House and for the benefit of the Premier, let me read from a letter I received from a seven-year-old student in my area, in the neighbourhood of the Venerable John Merlini Catholic School, which is one of the schools on the chopping block.

This is what the seven-year-old says. I'll just read some parts of the letter:

"I have Prader-W" syndrome — I cannot read all the words because it's been faxed to me — "and I am in the developmentally delayed class there.... My mom has been told that you may close down my school." She's talking about you, Mr Harris. "I know it was very difficult for my mommy and daddy to find this wonderful school for me. Our family was so fortunate that our local school was able to take me and make me feel wanted there."

It continues, "My schoolmates are learning how to understand how I talk (not so good) but they really try to accept me for what I am. Also, they look out for me, because I don't understand things like safety rules and crossing the street and not wandering off by myself."

It's letters like this that make us understand what it means to close a local school. I'm calling on the Premier to —

**The Speaker (Hon Chris Stockwell):** Thank you.

#### VOLUNTEER FIREFIGHTERS

**Mr Peter Kormos (Welland-Thorold):** I address the Solicitor General and the Minister of Labour very specifically. This province is at great risk of losing its volunteer firefighting services and it is putting volunteer firefighters at great risk.

Let me tell you specifically why. This issue was raised by volunteer firefighters from Pelham before their town council during the course of this week.

Under the new so-called Workplace Safety and Insurance Act, a volunteer firefighter who is injured in the course of performing his or her volunteer firefighting duties is excluded from any what we called historically workers' compensation protection or coverage. You know who these women and men are. They selflessly and with great commitment volunteer their services in communities

across Ontario, and I can speak highly of those in Niagara region and those in Pelham. They're extremely concerned that should they be injured — and the risk is considerable; they perform very dangerous work — their workplace-provided insurance will not cover them and that they've been omitted in their unique role as volunteers from consideration in the new Workplace Safety and Insurance Act.

I call upon the Solicitor General and the Minister of Labour to respond very promptly to this concern. It's important if we're going to protect volunteer firefighting services, if the communities that are served are going to be able to maintain their role and if the concerns raised, as they were in Pelham, are going to be addressed very specifically and clearly, without equivocation.

**Mr Ted Arnott (Wellington):** Mr Speaker, on a point of order: The member for Welland-Thorold has made a very good point. I know he wants to support my Bill 75, which corrects the problem he is articulating, which I introduced —

**The Speaker (Hon Chris Stockwell):** Thank you. Statements.

#### EGG PRODUCERS

**Mr Peter L. Preston (Brant-Haldimand):** I was most pleased this morning to host a breakfast reception put on by the egg producers' association that was well attended by people from both sides of the House.

The Ontario egg producers represent 635 egg producers, including 14 successful operations in my own riding of Brant-Haldimand. The egg industry is worth \$300 million a year to the Ontario economy and represents some 3,000 jobs. The egg producers are self-funded and self-policed, with mandatory egg safety programs to ensure consumers receive a high-quality product at a good price.

Ontario egg producers are preparing for the World Trade Organization talks set to begin in late 1999. They will be making their position known to the Ministry of Agriculture over the next several months as it develops Ontario's position on the World Trade Organization talks to take to the federal government.

In the meantime, Mr Speaker, I can tell you that Ontario egg producers are meeting current World Trade Organization commitments in terms of increasing market access and reducing tariff levels.

They will be looking to this government to carry the message to Ottawa that, above all, trade must be fair and



equitable among all partners and that Ontario's egg marketing system is working well to meet the consumer's need for a safe, high-quality product at a reasonable price.

### SCHOOL CLOSURES

**Mr John C. Cleary (Cornwall):** Last week it was announced that six schools in my area have been slated for closure and many students, parents and teachers are very upset and concerned about the impact this will have on the quality of local education. In the S-D-G area, 17 of the 22 high schools are the only facilities in the community. Therefore, the proposed school closures will have significant consequences.

Upper Canada District School Board vice-chair Art Buckland states, "It shows it's the beginning of the end of rural schools."

From closed Ministry of Natural Resources offices to the consolidation of services at the Cornwall General Hospital to the proposed closure of six area schools, residents in my area are protesting this government's cuts.

When will Premier Harris and S-D-G member Noble Villeneuve listen to the residents and organizations like the Ontario Federation of Agriculture who are calling for a moratorium on rural school closures until a thorough impact assessment has been conducted?

On behalf of the residents of the greater Cornwall area, I urge this government to reconsider its education funding formula and recognize the special circumstances surrounding rural schools in the greater Cornwall area and across the province.

1340

### WINDSOR-ESSEX COMMUNITY CARE ACCESS CENTRE

**Mr Wayne Lessard (Windsor-Riverside):** A long and bitter strike by administrative workers at the Windsor-Essex community care access centre is now over. This was a strike that lasted much longer than it had to because of the Mike Harris approval of the use of replacement workers.

We are thankful to people like June Muir and her colleagues from the Canadian Union of Public Employees for drawing a line in the sand and saying to this government: "Enough is enough. We won't stand for the privatization of our health care system through the back door."

These courageous workers have also illustrated problems related to our local community care access centre. While CCACs in other parts of Ontario engage in outreach activities, ours has a bunker-down mentality. They refuse to make public minutes from their meetings. While others encourage membership in the CCACs, you can't even get a membership form from ours.

An audit has been conducted by the minister responsible for long-term care of the Windsor-Essex CCAC, but despite repeated requests from me, it still has not been made public. Calls to the deputy minister have gone unanswered.

My question to the minister responsible for long-term care is, what is in that audit? Why isn't it being made public? Minister, what is it that you're afraid of? Patients in our community need —

**The Speaker (Hon Chris Stockwell):** Member for Northumberland.

### GROWTH IN NORTHUMBERLAND

**Mr Doug Galt (Northumberland):** I rise in the House today to recognize the growth of small business in Northumberland.

Last Tuesday the Honourable Al Palladini spent a day in Northumberland, met small business people and spoke to the Port Hope and Cobourg chambers of commerce in Port Hope.

In my riding of Northumberland, small businesses employ hundreds of people and contribute significantly to the local economy. Over the past few years many businesses have experienced tremendous growth.

For example, Merv Heffernan, owner of Quinte Bumper and Fender in Trenton, has watched his business expand from his garage to a large industrial facility. Kokimo Candle Works in Cramahe township has gone from a part-time activity for the Quinn family to a full-time going concern. Electrocables in Trenton has grown rapidly. Peter Davis, the owner of Electrocables, has seen his plant double in size over this past year. Cam-Tran, located in Colborne Industrial Park, is also growing. Two weeks ago the company announced a \$1-million industrial expansion which will lead to further employment opportunities. This is one of six expansions in the past 14 years.

These are just a few of the small businesses in Northumberland that have benefited from our government's economic policies. By cutting taxes, eliminating red tape and putting the economy on the right track, small businesses in Northumberland have been able to thrive and prosper in Ontario's economy.

### LINDA AND DONALD LETOURNEAU

**Mr Pat Hoy (Essex-Kent):** Many friends and neighbours have worked tirelessly with Linda Letourneau to force the government to pay attention to her husband's need for the drug Neupogen. The public support that the Letourneaus have received has resulted in a victory for Donald. He will be receiving Neupogen through the Ontario drug benefit plan.

I would like to publicly thank Rev Dave Williamson from Chatham and Linda's neighbour Eric Rice, who accompanied Linda to London to intercept the Premier, and the many other friends and neighbours who have helped. Thanks also to the many journalists who have brought this story to public attention and forced the government's hand.

But this victory is not the end of the story. The courage of Linda and Donald Letourneau in taking on the Harris government for this miracle drug is not restricted to their own need. Donald wants to ensure that all patients who

need Neupogen will get it. He does not want anyone else to experience the delays, the agony of uncertainty and the exposure of their private lives that the Letourneau family has endured. It has taken three tortuous weeks of anxious waiting and undue delays to force the government to do the right thing.

The Ontario drug benefit plan must provide the drug without restriction to all patients who need it. We cannot and must not have two-tier health care in Ontario.

We all appreciate Donald's deep concern for other patients.

### GOVERNMENT ADVERTISING

**Ms Frances Lankin (Beaches-Woodbine):** I would like to read three quotes from a document to you.

The first one: "The opposition has quickly realized the powerful resonance that pending school closures have with the public. We can expect them to use school closures as a symbol of the government putting a higher priority on cost-cutting than providing a quality education for kids."

The second one: "The emotional impact of our advertising is perhaps even more important than the content of our copy."

The third one: "The tone of advertising should be designed to help the target audience believe that our government is fair and reasonable, confident and optimistic, having the guts (or the courage) to do the right thing."

You would assume that this comes from the Conservative Party of Ontario caucus, their party operation, but no, this comes from the Premier's office about government, public-taxpayer-paid-for advertisement, talking about how to position against the opposition, talking about how to win the hearts and minds of the public, how to manipulate emotion and about the kinds of lines they should use, like "having the courage to." How many times have you heard ministers answer questions here and say, "We have the courage to"?

Last night on CFRB, the Minister of Community and Social Services said it four times. The moderator said, "He has the courage" —

**The Speaker (Hon Chris Stockwell):** Thank you.

### DONALD DAVIS

**Mr W. Leo Jordan (Lanark-Renfrew):** I rise to commemorate one of the pillars of my hometown of Smiths Falls in the riding of Lanark-Renfrew and Bob Runciman's riding of Leeds-Grenville.

Donald Davis passed away October 10 at the age of 76. He was born in Smiths Falls in 1922 and lived there most of his life. Mr Davis was employed for many years with Ontario Hydro, and though his job often took him to other towns in Ontario, he always returned to Smiths Falls, the town and area he loved.

Don always worked for the good of his family — his wife, Lois, and his children, Brenda, Russ and Keith — his friends and his community. He served as a trustee on the Leeds and Grenville County Board of Education for

33 years. The board named the Don Davis Resource Centre at Lombardy school in honour of his outstanding service.

He was a deacon and trustee on the board of the First Baptist Church and was recently recognized for his 65-year church membership. Mr Davis was also a long-time member of the Masonic Lodge, Tunis Temple and Land O'Lakes Shrine Club. As well, he spent 43 years as an amateur beekeeper, though managing 200 hives sounds like a full-time job to me.

Mr Davis served overseas in Germany and Holland during the Second World War with the Stormont, Dundas and Glengarry Highlanders.

For all his dedication and love of the area, Mr Davis was honoured with the Canada 125 medal in 1997 for his achievements within the community.

### CORRECTION

**Mr Bud Wildman (Algoma):** On a point of order, Mr Speaker: I rise to correct my record. You will note that on page 3136 of the Hansard record of House debates from yesterday, it reads, "I have a petition which was circulated by Mrs Margaret Pigeon of Goulais River. It is signed by 1,718 residents...." In fact, Speaker, it should have read, "It is signed by 2,718 residents."

**The Speaker (Hon Chris Stockwell):** Thank you. I was on pins and needles and I was wondering when you were going to correct that record, member for Algoma.

### ANNUAL REPORT, PROVINCIAL AUDITOR

**The Speaker (Hon Chris Stockwell):** I beg to inform the House that I have today laid upon the table the 1998 Annual Report: Office of the Provincial Auditor, who just happens to be here in the Speaker's gallery today. Welcome, Mr Peters.

### STANDING COMMITTEE ON GENERAL GOVERNMENT

**Mr Bud Wildman (Algoma):** Mr Speaker, I rise on a point of order with regard to the subcommittee of the general government committee. That subcommittee decided on hearings for the apprenticeship legislation as per the order of the House. The subcommittee reported to the committee, and I read from the subcommittee report:

"That the committee will hold four days of public hearings. The committee will spend one full day in each of the following cities: Toronto, Sudbury and Ottawa. Furthermore, the committee will divide one single day in order to hold hearings in Hamilton, and Windsor."

When that subcommittee report, which was unanimous involving the members of all three parties and the Chair, was submitted to the full committee, there was a motion put by one of the government members that the committee go to London. That was defeated and then subsequently another motion put that would require the committee just to spend one day just in Windsor and not go to Hamilton, and that was carried.



My question is this: Why is it, when there is unanimous agreement in the subcommittee, that a committee would reject the report of the subcommittee and arbitrarily decide to prohibit people from the Hamilton-Niagara region the opportunity to make presentations on this legislation on apprenticeships in Ontario?

**The Speaker (Hon Chris Stockwell):** That's a point that you have to bring up at the committee level. It's not something I could even entertain to rule on.

1350

## INTRODUCTION OF BILLS

### CITY OF TORONTO XXIX SUMMER OLYMPIC GAMES BID ENDORSEMENT ACT, 1998 LOI DE 1998 APPUYANT LA CANDIDATURE DE LA CITÉ DE TORONTO CONCERNANT LES XXIX<sup>e</sup> JEUX OLYMPIQUES D'ÉTÉ

Mr Kells moved first reading of the following bill:

Bill 77, An Act to endorse the proposed bid of the City of Toronto to host the XXIX Summer Olympic Games / Projet de loi 77, Loi visant à appuyer la candidature que se propose de présenter la cité de Toronto pour accueillir les XXIX<sup>e</sup> Jeux olympiques d'été.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Morley Kells (Etobicoke-Lakeshore):** The bill endorses the bid that the city of Toronto proposes to make to host the 29th Summer Olympic Games in the year 2008.

The bill recognizes that Ontario's participation in the bid process is a necessity if it is to be successful. This involvement can only be sustained through mutually acceptable terms enshrined in the agreement between Ontario and the organizers of the Toronto proposal. It also asks all municipalities in Ontario and citizens of Ontario to voluntarily support the bid.

If I may, I've already had an opportunity to visit the riding of Kingston and The Islands and tour the facility there. I'm sure that when this bill comes up for debate, the honourable member from that riding will be talking favourably about that facility. I've also been to Oshawa to see the facility down there for skeet shooting.

I'm sure that by and large all the members will join in support of this bill.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### PERSONAL SUPPORT WORKERS

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** Today I had the

opportunity to listen first hand to several care workers, people like Linda Kong at St Paul's L'Amoreaux Seniors Centre in Scarborough. These are people who bring vital services into the homes of our seniors, to persons with disabilities and those recovering from surgeries. They have an aptitude for helping people, and they have a vital role in the restructuring of Ontario's health services to ensure that those services meet the needs of the individuals instead of forcing the individual to fit the services.

This government has made a number of tough decisions that bring Ontario closer to a vision for health services for our future: more integrated, community based, high-quality services. We know that quality health care isn't just about technology and buildings; it's about compassionate service that meets people's needs. That's why our plan focuses on individual care that's closer to home and part of their community.

We are funding several key initiatives that put our long-term-care services on a new, more integrated path. After 10 years of promises, this government created 43 community care access centres to provide one-stop shopping for home care and other community services. Funding for these centres and other long-term-care community services has in fact increased by 40% across this province in three years, and 70% right here in Toronto.

The front-line home care workers I met with this morning provide these essential services in their community, and there are thousands more like them all across our province. They are very proud of the job they do and, more importantly, of the lives they touch. They are valued by the people they serve for the caring, personal and professional attitude and attention they provide.

The people they care for may be frail, may have some trouble climbing stairs and may take a little longer to remember things. Some are recovering from surgery and they may be unable to perform the simple acts of daily living. They have a right to that kind of help with day-to-day living. That help is best given not by a doctor but a caring, capable and well-trained woman or man who visits their home to do those basic things necessary to allow them to be as independent as possible. These workers become a vital part of the lives of our elders and people of all ages who need support to live independently in our society.

The practitioners of this service are called personal support workers, or by their old name, homemakers, but I have heard them called friends by the many people they serve on a daily basis across Ontario.

Their work is not recognized by our federal government under the Canada Health Act, but that has not stopped our provincial government from making them an important part of the restructured health care services here in Ontario. Without any recognition or funding from Ottawa, the government of Ontario has increased significantly the level and quality of services so that today we provide the highest levels of access to home care in all of Canada. Like other provinces, we do not impose an income test, an asset test or a means test in order to access these services.

In fact, on July 13 this year, I flowed a further \$83 million to expand access to visiting nursing therapists and personal support workers.

Today I am announcing details of plans to put more funding into the training of attendant and personal support workers contracted by community care access centres across this province, a plan to enhance the quality of these vital services.

One year ago, all 27 Ontario community colleges and 47 private vocational trade schools and several boards of education began offering a new personal support worker education program. This was an improvement on the several homemaker training programs that were taught across the province. Depending on where the course was taught you were given a different course of study, making it difficult to transfer your credits from one school to another.

To fix that previously confusing system, our government, with the help of the Ontario Community Support Association and the Ontario Home Health Care Providers Association, brought together educators, personal support workers and service providers to create one standard program. Graduates will be awarded a certificate of completion for personal attendant, and with further studies a certificate of completion for personal support worker.

We are now making this training available to existing workers, like the people I met with this morning. To do that we are increasing funding to this program by approximately 50% to \$10 million for each of the next five years. We are paying for their tuition, their travel and their books as well as their salaries in order for these workers to enrol and take this program full-time across Ontario.

It's what we call a bridging program, and it's an initiative specifically designed to provide some 10,000 workers across this province with an opportunity to expand this important training. It allows them to provide a more broad range of services, handle more difficult and challenging situations, understand people with Alzheimer's and related dementia and offer the flexibility to meet the needs of individual consumers.

The president of the Ontario Community Support Association, Elizabeth Fulford, summed it up: "Well-prepared staff is the key to quality care. We are pleased that this government is committed to support the training for personal support workers."

These individuals are our partners in this journey towards a long-term-care service that offers more independence, personal choice and dignity. On behalf of a grateful province, especially the citizens they care for on a daily basis, I and members of this House wish to thank them and the thousands of fellow workers they represent for providing us with the kind of personal care and attention that affords the independence that is so valued by the people they serve.

1400

**Mr Gerard Kennedy (York South):** The people watching might have heard a hubbub in the House of maybe other conversations going on and people not necessarily paying attention to the honourable minister here, and this minister has something important to say

today, the minister of part-time health care, maybe the wannabe Minister of Health, the minister of window dressing for the cuts to the hospital sector. We hear him say today that there's new money coming for certain kinds of workers. Let's look at what exactly this is about. This new PSW, the only difference between that and the home care worker in the past is that it has a medical component to it; in other words, it touches on some of the things currently being done by RNs and RPNs, by highly trained and highly skilled nurses.

We're encouraged to see that workers can improve their skills, but the government has not matched this training initiative with any money to actually pay these workers. In the actual real world where patients get treated, we have agencies, some of which I believe are here today, that have to offer a base wage of \$9.15 to \$11 an hour. Why would a government train people to be more skilled and not give any more money to receive in more pay? They don't get any benefits, and a lot of agencies can't pay mileage. When I attended the board of the Ontario Community Support Association, they told me they are having trouble attracting and keeping people. The result is because of a lack of government commitment to really good care for people.

We have a window-dressing announcement today with a major problem that the new graduates who are not working in the community are being gobbled up by nursing homes; they're not being available for home care. This does nothing to address that, because it doesn't deal with the salaries of those workers and, more importantly, the protections for the patients who need the help.

The PSW graduates are trickling into the community. Why would they work there, Minister, if they don't get better wages and if they don't get better working conditions? Your very privatization of these services, for-profit services being given an advantage in these areas, is taking away from their ability to provide for people. That is your move, Minister.

The existing workforce in homemaking can go back to school on a part-time basis. Just so you know how much of a public relations manoeuvre this is, to the very large number of concerned backbenchers in the government, each agency shares the government funding based on a percentage of the services they provide. Under the current system, that means it would take 35 years for the workers to actually be retrained. So we know how limited the commitment of this government is, because it has essentially reduced the amount of time it would take to get those people through the system to about 25 years. So if you're in a bed right now, if you're at home waiting for homemaking services, like 2,000 people are in Kingston — which, incidentally, they're not going to get, because they've been cut off under this government's lack of funding and commitment to the Kingston CCAC — if you're waiting, though, for your homemaker to get these additional skills, you're going to wait a long, long time under this government.

We've got a make-work project from the Tory government for some people and a subsidy for for-profit



agencies, but what does this really mean for people out there in the field? It means these new PSWs are going to be bumping nurses, RPNs and RNs, from roles they currently have. Instead of actually providing for new care, it is squeezing money out of the health care system by finding cheaper methods to perform roles that were once associated with nursing care. This minister should hang his head in shame for the reductions, for the deductions and for the discounting that he's doing on the health system in this province.

Minister, next time you stand up to give us an announcement, I want you to talk about the people whom you're supposed to be taking care of, like Ian Strathern in Niagara Falls. The Strathern family is paying \$1,500 a week trying to get care that your ministry is denying them and is taking them to court to make sure they don't have. All across this province there are people, families, sadly paying the price for your smokescreen, for your being the minister of flim-flam, for your bringing down the standards. Just like you'll take away chronic care beds and bring us long-term-care beds with one third the funding, you want to bring us people who would like to have jobs at a good rate of pay but you've created a competitive environment which drives their salaries down. Now you have the audacity to say somehow trickling some training to them over a period of time will do anything except take away highly qualified nurses and give these people no real prospects in terms of how to improve a profession which, the one point we can agree with you on, is badly needed in Mike Harris's Ontario today because more and more people are being kicked out of hospitals quicker and sicker, and they need the support of good homemakers. What they don't need is the diffident interest of this government in providing anything but cut-rate health care.

**Mrs Marion Boyd (London Centre):** This is the kind of announcement that makes it extremely difficult to keep a straight face, particularly with the minister responsible for long-term care, because although at the kernel there is some little grain of hope for people in this province that care in the home setting is going to be offered in a better way, most of this is sheer window dressing, self-advertisement and a very crass attempt on the part of the minister to try and paper over the fact that the polling his party has done shows exactly what we know, what everyone in the province of Ontario knows, that people are desperately concerned about the quality of care that is being offered to ill people at home.

Everyone in this province wants those who are able to be at home to be there to receive their care, but not at the cost of the quality of that care. The minister is quite right that some kind of training program, some kind of way for people to upgrade their skills, is a very important part of that. I want the minister to know that I support the idea that people who are working in the field be constantly upgraded. No one here disagrees with that. The concern we have is a legitimate one: Where are the standards of care? Where is the regulatory body that is going to ensure that the people who are offering this care are accountable for that care? None of that is here.

What we have is a laudable attempt to bring together those programs that have developed so that at least you know what the course content is, at least you know what education a person has if they get one or the other of these certificates. But once in the home, people are extremely vulnerable. They are vulnerable to caretakers who may try, because they want to help, because they are compassionate and caring, to take on tasks that belong to professions that have much longer training and much more technical expertise. Frankly, it happens every day in this province that well-meaning, caring, compassionate long-term-care workers find themselves in a situation of having to choose whether to do something they technically are not supposed to do or seeing that person not receive those services.

We begged the government to put into effect our patients' bill of rights in the home so that we knew what the standards were, so that there was some regulatory mechanism for people to complain when those standards weren't met. This may be a small initial step towards improving some of the training for some of the people, but it certainly is not adequate to deal with the needs out there in our community.

The minister talks in glowing terms about having talked this morning with a few people who provide this care. Well, I've spoken to people providing this care all over the province, and I know how many of them are in tears daily because they know they are not able to provide the kind and the level of service their patients need, who go home drained, who wonder about whether they should continue in this field, who worry about whether they are actually collaborating in making people believe that the quality of care is better than it is.

The people who are doing this work are very remarkable people, but they are remarkably unsupported by either appropriate remuneration or benefits or time-tables or security. Much better than speaking in glowing, wonderful terms about how marvellous these people are, you, Minister, have it within your power to ensure that standards are set for home care, to ensure that home care workers are regulated properly, to ensure that they see, in tangible terms, how grateful all of us are for the work they do day to day. This is a tiny, little step and I would not want the minister to think it's not a good step, but I certainly can't let him fool the people out there into thinking this is somehow going to solve the quality-of-care problem in home care.

1410

## ORAL QUESTIONS

### SCHOOL CLOSURES

**Mrs Lyn McLeod (Fort William):** My question is for the Minister of Education. Our leader, Dalton McGuinty, is spending his afternoon visiting some of the Toronto area schools that are faced with closure. He's talking with students, staff and parents who are frightened about what

will happen if their school is shut down and who are angry that your government is forcing this to happen.

One of the schools that Dalton is visiting is Givins Shaw Public School. This school is in the heart of downtown Toronto. It has a rich history going back to its founding in 1848 by Colonel Givins, who was a military attaché to General Brock. The school is celebrating its 150th anniversary on November 14. For 150 years, Givins Shaw has served the needs of an increasingly multicultural community. Givins Shaw has a large number of children from new immigrant families, so it needs some extra space to provide extra support, English-as-a-second-language programs, and it does cost a little bit more to maintain because it is an older school. So it doesn't fit your bottom lines, Minister, and according to your formula it has to go.

Minister, do you think Givins Shaw school should shut down because it costs more than your formula allows, or will you provide some additional money so Givins Shaw can stay open?

**Hon David Johnson (Minister of Education and Training):** These community schools are very important. My first school back many years ago was a traditional, two-room brick schoolhouse. I and students in grades 1 to 4 occupied the one class; students in grades 5 to 8 occupied the other class. It was a very important school to the local community, and it remains an important school now. That school actually is 150 years old. These are the kind of schools that indeed are important to communities all across Ontario.

I have written to the various school boards across the province urging the school boards to look at other ways and means to deal with their schools rather than closing them down, and I've suggested to the school boards that they shouldn't close them, that they should look at other uses, sharing the facilities with the other school boards, sharing them with colleges or daycare centres or other community uses, and keep those schools open.

**Mrs McLeod:** The letter you sent out to school boards confirms the fact that all you're providing is \$5.20 for 100 square feet of space for each school. That's it in elementary schools. Givins Shaw can't survive as a school if you're only going to give them \$5.20 to maintain 100 square feet for each of its pupils.

Another of the schools, Minister, that Dalton's going to be visiting this afternoon is Ogden Junior Public School. Ogden's a fairly small school, but it is almost full. It's only 25 students short of being full even under your formula. The problem is your funding formula requires that every school be 100% full. Ryerson school, which is the nearest school to Ogden, can hold another 300 students, according to your numbers and your formula. So Ogden school is likely to close and the students are likely to be sent to Ryerson, and Ryerson will have 900 elementary school students crammed into the limited amount of space that your formula allows for each student.

Minister, I ask you today for a straight answer: Do you think that Ogden school is too small to stay open because it only has 300 students and do you think Ryerson will be too big if 900 students are crammed in there? Just answer.

**Hon David Johnson:** I just want to correct something that the member opposite has indicated, that there's not additional support for schools with specific circumstances. I am pleased to inform her that the basic funding formula does provide \$40 million to support small schools across Ontario, and indeed the funding formula also contains some \$90 million to support remote and rural schools.

Here in Toronto, since she has raised the issue of a Toronto school, there are monies for learning opportunity grants. These monies are for children at risk, and in Metropolitan Toronto there are more children at risk in proportion to those in boards in other areas. The Toronto board gets monies from this particular grant to assist them in the operations of these schools. They also receive a large proportion of the English-as-a-second-language grant. So there are different funds to assist boards in different circumstances and schools in different circumstances.

**Mrs McLeod:** Let me correct you. Ogden school in Toronto can't possibly qualify for a small school factor, because it says here it has to be more than 80 kilometres from all other elementary schools before it can even qualify. I don't think that's in the rules for Ogden school to stay open. My question is still, Minister, do you think the small Ogden school should close and the students should be rammed into Ryerson?

Another school that Dalton's visiting is St Raymond separate school. St Raymond is a large physical building — get the picture — that has 320 students in it. Your formula says you should have 700 students in St Raymond school, because your formula doesn't allow St Raymond to have an art room or a social science room or a family studies room. You think there should be full-time classes with 25 students in every one of those rooms. Any actual vacant classrooms in St Raymond are being well used by daycare students, by adults in continuing education classes, by ESL classes.

**The Speaker (Hon Chris Stockwell):** Answer.

**Mrs McLeod:** Minister, you don't count any of that. Will you change your rigid rules, change your inflexible funding formula so that community uses are recognized in a school like —

**The Speaker:** Thank you, Minister.

**Hon David Johnson:** What I was trying to imply is that there are different circumstances right across the province and there are different amounts of money that support different circumstances. The two schools —

*Interjections.*

**The Speaker:** Minister.

**Hon David Johnson:** The Toronto schools mentioned will certainly get their share and more of the language grant and the learning opportunities grant. But the Toronto board has a choice. They can pursue the Nyberg list of closing schools or they have another choice. Their other choice is to reduce their administrative costs, their other choice is to reduce the costs it takes them to run the schools, which is far beyond the provincial average, and their other choice is to look at other uses to fill those community schools. I say the Toronto board, in pursuing



the Nyberg list to close schools, has made the wrong choice.

#### GOVERNMENT CONSULTANTS

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Finance. It has to do with the Provincial Auditor's report that was issued today, quite a condemning report, I might add. I want to take one specific aspect of it. The auditor has pointed out what can only be regarded as the sweetheart of all sweetheart consulting deals. The minister will be familiar with the fact that Andersen Consulting was awarded a contract of \$180 million by the government. Here's what the auditor said about \$180 million:

"They found the ministry could not demonstrate that it selected the most cost-effective proposal or that the agreement would result in value for money for the taxpayer. The ministry could not provide the basis for paying \$180 million. A starting point for measuring the benefits had not been adequately established.

It goes on to say that to get money into the consultant's hands by March 31, 1998, the consultant was paid \$15.5 million for \$2.5 million worth of work.

It is a boondoggle. My question to you is this, Minister: How could you approve, on behalf of the taxpayers, this sweetheart deal for Andersen Consulting?

1420

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I refer this question to the Minister of Community and Social Services.

**Hon Janet Ecker (Minister of Community and Social Services):** First of all, in answer to the honourable member's question, I'd like to say that as a taxpayer I welcome the recommendations of the auditor and the job that he does.

*Laughter.*

**Hon Mrs Ecker:** They may find that humorous. I think someone watching over the taxpayers' money is an excellent —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Minister.

**Hon Mrs Ecker:** It's interesting that the opposition over there seems to think it's humorous that a check and balance to protect taxpayers is somehow worthy of derision.

The second point I would like to make is that reform of the information technology that supports delivery of the welfare system is extremely vital. This is an old system. It's been tinkered with for over 30 years. It's in danger of crashing. There are over a million people who depend on that system to give them their benefits when they need them. So the reform of this system was extremely important. Actually it was the previous government, the NDP, that recognized that reform was beyond the ability of the ministry to do it, so we sought expert advice.

As for the specific recommendations of the auditor, I'm very concerned. The mismanagement of this program — this project has been mismanaged — is unacceptable. It

should have been handled better and I've directed the deputy to take the necessary steps to make sure it doesn't happen again.

**Mr Phillips:** To get back to mismanagement, I think the deputy may have to go to the cabinet table because that's who signed the deal. It was the cabinet that signed the deal.

I just want to say to the minister, Andersen Consulting made you look like a fool. They estimated the cost of this project at \$50 million to \$70 million, maximum. You went out and signed a contract for \$180 million. You look like a fool on it. They then increased their rates. By the way, this contract was signed 18 months after you came into office. It wasn't something done the next day; it was signed in 1997. They estimated the cost at \$50 million to \$70 million; you gave them \$180 million. They estimated their fees. Then they increased their fees since they signed the contract by 63% and you approved that. You're paying clerks on this project more than you're paying the deputy minister on the project. I repeat, you look like a fool on this.

Are you prepared now to renegotiate this contract and get the taxpayers out from under a burden that you put them under?

**Hon Mrs Ecker:** I'd like to remind the honourable member that one of the values of this particular kind of procurement process is that the risk is borne by the private sector partner. They pay the upfront cost, not the taxpayer. They get paid —

*Interjections.*

**The Speaker:** Order. Minister.

**Hon Mrs Ecker:** Thank you very much, Mr Speaker. As I said previously, they are bearing the costs of this program. They only get paid if there are savings. That's a very important protection for the taxpayers. The other thing the honourable member isn't mentioning is that there is a cap on this. They only get paid if there are savings up to a maximum amount.

But as I have also said, the management of this project was unacceptable. We have a new team in place. There are new rules, tighter rules, to verify the cost. We have directed that Andersen renegotiate the rates to ensure that we are indeed getting the best value for money for the taxpayer.

I would also like to repeat that the reform of this technology is extremely important. If the honourable members would like to —

**The Speaker:** Final supplementary.

**Mr Phillips:** The tragedy is that there is not a cap on the \$180 million. They can actually get more than \$180 million. There is not a cap on the \$180 million, tragically. If you want to have almost an SCTV skit on how not to engage a consultant, it would be this.

Again I say to the minister, one of the key criteria for selecting these people was the people involved in it, and then over half of them left the project. They estimated the cost at \$70 million. You said: "We'll be pretty tough with you. We'll only give you \$180 million and a little bit

more." Believe me, you look like fools on this, and it was done 18 months into the government.

Will you undertake today to go to the cabinet and say: "Listen, somebody here goofed; the cabinet goofed. We are going back to Andersen Consulting and on behalf of the taxpayers we are going to get on our knees and say, 'We're sorry we signed this contract; will you let us off the hook so the taxpayers aren't embarrassed by this government?'"

**Hon Mrs Ecker:** I'd like to remind the honourable member it was an open bidding process that selected this particular partner.

The second point —

*Interjections.*

**The Speaker:** Minister.

**Hon Mrs Ecker:** The honourable member seems to think that somehow or other that system that over a million people depend on should have been allowed to decay, as they allowed it to decay. If they think allowing that system to sit there until it crashes and a million people in need can't get the cheques they need when they need them, they should say so. We knew reform was needed. We knew the ministry did not have the expertise to do that reform on its own. That's why we went out and got expert opinion to do that.

I repeat: Only if savings are achieved does the company get paid. Secondly, the mismanagement of this project is unacceptable. That's why we have taken steps to fix it, so it will not happen again.

**The Speaker:** New question, leader of the third party.

**Mr Howard Hampton (Rainy River):** My question is to the Minister of Community and Social Services. This corporate boondoggle is so good I have to get in on it too.

1430

We raised this issue with your government over a year ago. We pointed out that Andersen Consulting has a terrible record and the Provincial Auditor has confirmed today that this is an all-time corporate welfare boondoggle, because the Provincial Auditor confirms that you have paid Andersen \$15.5 million, even when their costs are only \$13.1 million; that Andersen has gotten more than 90% of the so-called savings from social assistance, even though they have had virtually nothing to do with it; that you have paid them \$1.25 million in expenses without any receipts; and that you're going to keep on paying them to the tune of \$180 million, even though the Provincial Auditor found no basis for the fee.

Minister, you're good at attacking poor people, un-employed people. Will you do the taxpayers a favour and get rid of this corporate boondoggle?

**Hon Mrs Ecker:** The honourable member well knows that that computer technology is in serious danger of crashing. The risk was so high that his government started the process to bring in a private sector partner to try and fix the technology.

The agreement is very clear. Andersen only gets paid if there are savings, and it was very clear on that, because they are paying the costs of this program, as they should.

They're bearing the risk. If there are savings, they then get paid up to a cap, so it was very clear.

We would also like to say that because of the policy changes and the legislation changes and our welfare reforms like Ontario Works, our work-for-welfare program, we have already saved the taxpayers \$2.8 billion. We are continuing to move forward with our welfare reforms because, one, we know we've got to get people off welfare and, two, we know that the technology that supports that program has to work.

**Mr Hampton:** The minister tries to avoid the question. The question here is about getting Andersen off the corporate welfare. No one else designed this boondoggle. Your government, and your government alone, has designed this boondoggle.

It gets even worse. Even more incredible, whenever Andersen Consulting wants, they can raise their hourly rates that they charge the taxpayers of Ontario and you, the government, can't do anything about it, and so Andersen has. They've raised their rates already by 63% from the original proposal. They're now charging \$575 an hour, six times higher than anybody in your ministry gets paid on an hourly basis. The original corporate welfare rate was bad enough, \$300 an hour. It is demonstrated by the auditor that they are not saving you any money in social assistance, that those savings are happening because of other things.

My question to you, Minister: Will you end this corporate boondoggle?

**Hon Mrs Ecker:** I would, with respect, disagree with the honourable member. The Andersen project has saved the taxpayers money. If it hadn't, they wouldn't have been paid one red cent, but because there have been savings and there will continue to be savings to the taxpayers, that's how they get paid and that's where they get paid.

As I have also indicated here in the Legislature, we are having the rates renegotiated. I have also said and will say again because I believe it very firmly, this project was mismanaged. It should have been done better. One of the reasons the auditor had some difficulty assessing those costs was that there needed to be a better process in place.

I repeat, there is a new team, there are new rules, they're reporting on a more regular basis to senior management to make sure that this very important reform is managed in a way that better protects the taxpayers and also moves forward with a reform that will protect those million people out there who depend on the system from being left high and dry.

**Mr Hampton:** The minister tries very hard to ignore exactly what the auditor has said. He said there is no connection between any so-called savings in social assistance and anything that Andersen has done. That's the essence of his argument.

Further, we raised this issue over a year ago. We told you: "Why don't you go look at the auditor's report from New Brunswick where they say the McKenna government has quietly been paying Andersen Consulting over \$1 million for services they haven't performed." Or even the good old boys down in Texas, the Texas auditor's report



says: "Originally, Arthur Andersen committed to an \$11-million contract. It ballooned to \$75 million." That was all there. You could have seen that.

Here's the problem. They're going to continue to milk Ontario taxpayers for a further \$165 million at least, unless you do something. Minister, I'm going to ask you for the third time: Will you end this rip-off of Ontario taxpayers? Will you end this corporate welfare boondoggle for your corporate friends?

**Hon Mrs Ecker:** Will we end a reform that is going to protect a million people out there who depend on that technology? Absolutely not. Payments are only made under this agreement if there are savings. I think the honourable members recognize that.

Second, we are not backing away from a reform initiative that desperately needs to be done. We recognized and we knew that the ministry did not have the expertise that was required. We put out an open bidding process. We consulted with jurisdictions, quite frankly, around the world that have used this particular company. They are producing savings for us. That is what they are supposed to be doing. We will not back away from that reform.

In terms of better management for this program, absolutely: It was mismanaged, it is unacceptable, and that's why we've put changes in place. I have directed the deputy to put changes in place that will fix that mismanagement so that we can ensure that the taxpayers are indeed protected and that, again, the auditor has an appropriate documentation trail so he can make an assessment and a judgment about what is happening.

### EDUCATION FUNDING

**Mr Howard Hampton (Rainy River):** My next question is for the Minister of Education. Last week the Minister of Education made an admission. He admitted that across Ontario under his new funding formula, funding for school operations and maintenance has been cut by 1.5%. It's time to get some more figures from the minister today.

Your government hired the firm of Ernst and Young to write a report on school board spending. They came up with the concept of the median board, that board that was halfway down the list when you went from the biggest boards to the smallest boards. One half were above this median board, one half below. Will you confirm that in your new funding formula most of the grant categories are based on expenditures by your new statistical invention, the so-called median board?

**Hon David Johnson (Minister of Education and Training):** What I will confirm is that this government is intent on improving the quality of education in the province of Ontario. We're intent on focusing the resources that are available into the classroom, increasing funds available for teachers, for textbooks, for supplies, for all of the essentials within the classroom.

Then I'll confirm that outside of the classroom, in order that we have those monies to invest in the classroom to improve the quality of education, I will confirm that we

are expecting reductions in the non-classroom activities, in the administration, in the bureaucracy.

**1440**

The member opposite has questioned about the Provincial Auditor. The Provincial Auditor has raised the issue of the running of the schools. The Provincial Auditor believes the schools can be run more efficiently and effectively. I don't think reducing operations by 1.5% is asking too much efficiency of the school boards across Ontario.

**Mr Hampton:** The minister tried very hard not to answer the question, but unfortunately one of his officials did answer this question under oath in the Bill 160 court case. The ministry official admitted under cross-examination that your funding formula uses norms based on this so-called median board — this invention — as a tool "for driving down funded spending." That's what he said.

Minister, since we now know that's the truth, will you confirm that one half of the school boards that existed in 1997 — the one half below this so-called median board — actually represented only 11% of Ontario's student population?

**Hon David Johnson:** I will confirm that there are many large boards and small boards both above and beyond the median line. The Hamilton board, for example, can operate at about \$4 in terms of their operations, whereas the Toronto board is operating at about \$2.50 above that.

The question is: If some large urban boards, for example, can be efficient, can be effective — and the auditor believes that school boards should be asked to be more efficient and effective — then why is it a crime to ask school boards across Ontario to be more efficient and effective in the way they run schools and to take that money and invest it in the classroom, in textbooks, in supplies, in computers and in teachers in the classroom? I think we've put the focus exactly where it should be: on quality in the education system.

**Mr Hampton:** Minister, you can repeat that rhetoric all you want; none of the people across Ontario believe it. They know your real agenda is getting the money out of the schools to finance your income tax scheme, and that's what's happening. When you follow the funding formula you see that, because the reality regarding this so-called median board you invented is that only 11% of the students are above that median figure; 89% are on the wrong end. What it means is that, by inventing that median figure, you are actually cutting the investment in the education of 89% of the students in this province. That's your mathematical wizardry. You invented this phony concept, and 89% of the students in this province are experiencing a cut in operational school funding because of it. Minister, will you confirm that 11% of students are at one end of this median and 89% are at the other?

**Hon David Johnson:** I'll confirm a couple of things. I'll confirm that 100% of the students in Ontario will see more monies into the classroom across the province, and that's exactly where the money should be spent.

I'll also confirm that there will be more money spent this year in the education system across the province than there was last year or the years before. Over \$15 billion will be spent on the elementary and secondary system in Ontario. The taxpayers deserve good value for that money. The taxpayers, parents, teachers and students want to see those resources focused in the classroom, and that's exactly what we're doing.

### SCHOOL CLOSURES

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of Education. Minister, your real agenda in school closures is starting to come through clear, day after day. In my own community, potentially up to 40 schools are on the cutting block, and because the board of education had the guts to say no to you and your stupid formula, you are punishing them to the tune of \$3 million a year right now, which is going to cost students in the community dearly. But, Minister, what is more disturbing is now what is clear is the agenda of your ministry, of your government, of yourself in regard to this. You're insensitive to community schools, you are uncaring about community schools and you simply show a lack of compassion to those schools.

Let me read what your member for Hamilton Mountain, Trevor Pettit, said to the editorial board about a school in his own riding: "To suggest that Thornbrae school is the heart of the community is a joke. A lot of the people who show up once you start hearing about...school closing...you will never see at a parents' council, a fundraiser, hot dog day or any other function that the school ever has." This is one of your backbenchers.

**The Speaker (Hon Chris Stockwell):** Question?

**Mr Agostino:** Minister, why do you allow your government and your backbenchers to attack neighbourhood schools, the kids, the parents and the teachers in those schools —

**The Speaker:** Thank you. Minister.

**Hon David Johnson (Minister of Education and Training):** The priority of this government is to improve the education system. The priority of this government is to invest in the classroom, in teachers, in textbooks. That's why we instituted the \$100-million fund to purchase textbooks for the elementary students, for the kindergarten students, to purchase science equipment, the computer software that the kids need in the classroom. That's why we have reduced the funding outside of the classroom in administration and non-classroom activities and put that money into the classroom, because we believe that our children in the province deserve a better-quality education system and that each and every child deserves to have the same opportunity of an excellent education system right across the province. That's what we're doing. That's what our policies are directing us to do in how to invest in the education system.

**Mr Agostino:** Your lack of an answer and the fact that you refuse to answer the question is clear: You support that statement, you support the attack on community

schools and you support the attack on those students and those teachers, or you now would have taken your member to task, which you failed to do.

It gets better. Clearly, you don't give a darn about how these school closures as a result of your stupid funding formula are affecting communities. It gets better. You want full control of education, of funding, but you don't want any of the responsibilities. The quotes get better. Let me read you another brainwave in the same interview with the editorial board of the *Spectator*. Your member from Hamilton Mountain, Trevor Pettit, says: "Maybe the next step is to eliminate the boards. That's my personal opinion. The boards have to go." That is the view of your member for Hamilton Mountain. Not only do you attack the students, the neighbourhood schools, the parents and the teachers, now it's the school boards.

Minister, answer directly: Do you support the attack on neighbourhood schools and do you agree with the statement by your member for Hamilton Mountain that your next step is to eliminate school boards across Ontario?

**Hon David Johnson:** I have indicated before that I and the members on this side of the House believe that neighbourhood schools are most essential and should be supported. In confirmation of that, I have written to the school board chairs across the province suggesting ways and means they should look at, initiatives they should pursue to bring community activities within their schools to help share in the responsibilities of the schools and to keep the schools open. I've written to them asking them to pursue these various ideas such as daycare, such as looking at colleges.

I will say, since the member for Hamilton East has asked about his particular schools, that in terms of the monies we're making available for the operation of the schools, in the Hamilton-Wentworth Catholic District School Board —

**The Speaker:** Answer.

**Hon David Johnson:** — there is more money, some 18% more, and in the Hamilton-Wentworth District School Board some 3% more to help those two boards, more money to maintain —

**The Speaker:** Thank you. New question, leader of the third party.

**Mr Howard Hampton (Rainy River):** To the Minister of Education again: We come now to the issue of school closings. Everyone knows that your funding formula is the problem here, but we need to get to the heart of it.

You say that the Toronto District School Board would not have to close schools if only they acted like the Catholic board. The Catholic board, which is much smaller than the Toronto District School Board, has to close 29 schools as well. How does acting like the Catholic board save schools from closure? They're different in size. The Catholic board will have to close 29. The much larger Toronto District School Board, using the same formula, is going to have to close a lot of schools as well. Can you explain how the Catholic board is somehow



going to save a lot of schools from closure across the province and in Toronto?

1450

**Hon Mr Johnson:** No school board has to close schools. These are decisions that boards are making whether it's appropriate or not appropriate. When the members of the NDP were in power, school boards chose to close over 100 schools across Ontario. These are decisions that each individual board is making in the context, I might say, of the over \$15 billion that we're providing to the schools.

Specifically in the custodial and maintenance area, if the Toronto public school board pursued the same methods of efficiency that the Catholic school board has, based on a proportion, they would save almost \$80 million a year, if they pursued the same techniques as the Catholic board. That would go a long way to reducing the Nyberg list of school closures.

**Mr Hampton:** When the minister says, "If the Toronto board followed the Catholic board they might be able to save some money," what he leaves out is that they'd still have to close over 100 schools. That's the nature of this. No matter how you try to slide it by people, your funding formula is going to close hundreds of schools across this province.

Minister, the other rhetoric you're spouting out there is that the Toronto board should sell off any surplus schools that they're using for administrative purposes now. But here's the problem: When we read your Bill 160 and the regulations under Bill 160, if they close those buildings, your Bill 160 says they can't use any of that money for operating funds; they can only use it for the construction of new schools or the repair of old schools. Who is right? Your law, Bill 160, and the regulations, or this nonsense rhetoric that you've been spewing across the province?

**Hon David Johnson:** Just a couple of relevant facts: The Toronto school board already has some 80 schools apparently that they no longer use for public school purposes. Perhaps they should be looking at them. They could reduce their administration space. There were seven major administration buildings from the previous seven boards. How many major administration buildings do they have today, 10 months after amalgamation? They still have the seven major buildings today. Could they not reduce that space and save money? Sure they could. Could they not have more community uses within their schools, as I've encouraged them to do?

On the sale of property, the Toronto school board is free to sell their property, keep the money and use the money to build new facilities that they may need, new additions to school space, new schools, major renovations. These are the capital programs that they're going to need to do and they have —

**The Speaker:** Thank you. New question.

**Mr Ted Arnott (Wellington):** My question is for my honourable friend the Minister of Education. I want to start by thanking him for the terrific job he's doing.

In my area there are about a dozen schools identified for possible closure by local school boards. Parents are

very concerned over the possibility that these small-town schools, some of which —

*Interjections.*

**The Speaker:** Members for Hamilton Centre and Lake Nipigon, come to order, please.

**Mr Arnott:** — are full to capacity, may be closed by as early as next June. As a parent, I can relate to these concerns. Some school board officials are playing politics and blaming their proposal to close schools on the province's new funding formula for education.

It's my understanding that December 31 is the date which has been established for school boards to submit their proposals regarding their plans for the use of their schools. I also understand that school boards are required to undertake meaningful consultations with parents before they close any schools. Will the minister advise me what I can tell the residents of my area to reassure them about the future of our rural schools, and could the minister explain the purpose of the year-end deadline?

**Hon David Johnson:** I'm pleased to respond that, yes, the community consultations are required. It's a requirement that we placed on boards. In terms of the December 31 deadline, it's a date up to which the boards across Ontario may reduce their space if they choose to and be eligible for more capital monies to assist in future construction.

But I will say in the case of my colleague that the boards he represents, the Upper Grand, the Wellington Catholic, the Waterloo region and the Waterloo Catholic, are all eligible for new pupil places, all will receive capital monies, and those capital monies will support some \$28 million worth of construction in those boards in the first year, and in the third year an additional \$27 million worth of construction, and that will support accommodation for over 5,000 pupils in those four boards.

**Mr Arnott:** I appreciate the financial commitment that the minister has made to ensure that students in Wellington and Waterloo region have a fair and equal opportunity for a high-quality education, irrespective of where they live. The school boards in my area have yet to make a compelling case that there is an immediate need to close schools. I'm disappointed that instead of being prepared to work with me to find a local solution, some school board officials have instead blamed the government, with the result being a proliferation of fear and rumours sweeping through our schools and our communities.

I think there is still time for our area boards to change their course and keep schools open. For example, the Avon Maitland and Thames Valley public boards each had plans to close a significant number of schools. However, after re-evaluating the situation and after seeking input from parents, these boards cancelled their plans.

Our rural and small-town schools have unique characteristics which require recognition in the funding formula. My question is this: Is the government providing sufficient funding to the school boards in my area to keep the schools open and properly maintained, and do the boards have other options?

**Hon David Johnson:** I thank the member for Wellington for his question and I assure him that the agenda of the government is to improve the quality of education in Ontario and to ensure that each and every child has a fair and equal opportunity at that higher-quality education right across the province.

In terms of the funding for the four boards that the member for Wellington represents, I will say that each and every one of those boards will receive more monies in the classroom. On this particular issue, the issue of the operation of the schools, three of the four boards will receive additional monies. The total flow of additional monies into those four boards altogether exceeds \$6 million, over \$6 million of additional operation monies into those boards, because those boards have been frugal in the past. It's my hope that they will continue in that vein and serve the students well, with our higher quality of education.

1500

### LONG-TERM CARE

**Mr James J. Bradley (St Catharines):** I have a question for the Minister of Long-Term Care. He will recall that Dalton McGuinty and I have raised the situation facing Ian Strathern of Niagara Falls. As a result of an athletic accident, Ian is a life-support-ventilated quadriplegic. He must rely upon health care givers 24 hours a day, seven days a week. The Strathern family must pay \$1,500 per week for nursing care for Ian.

David Strathern approached Premier Harris at a Conservative fundraiser in St Catharines on May 7 of this year and the Premier promised he would not rest until he had helped Ian. All of us have been very patient waiting for the Premier to keep his promise to Ian Strathern. Instead, the Mike Harris government has embarked upon a legal fight against the Strathern family.

Minister, at a time when the Mike Harris government is embarking upon yet another advertising campaign, this time a \$4-million television advertising campaign, why is it that your government is denying Ian Strathern the home care he so desperately needs?

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** I want to thank the member for the question. He has raised it in this House on a previous occasion, as he indicated. I want to share with the member opposite the fact that we had indicated at that time and will again indicate today that this province, like all provinces in this country, provides a full range of support services to families who have met with these kinds of tragic accidents. Unfortunately, none of these services are covered under the Canada Health Act and none of them are recognized by the federal government in terms of funding eligibility, so provinces are left on their own to work out the very best, most sensitive set of options and programs available to individuals.

There are several options that have been offered to this family and to the thousands of other Ontarians in similar circumstances. In the supplementary, I'll be pleased to address the issues you're raising about the appeal.

**Mr Bradley:** Apparently the Harris government has \$4 million for its new health care commercials but not enough money to meet Ian's needs. Not only has the Premier not fulfilled his promise to Ian; his government has hired a downtown Toronto law firm to try to stop Ian from even having the opportunity to appeal his case to the Health Services Appeal Board.

Ian's family has to pay \$1,500 a week, \$6,000 a month, for his health care. Now the family has to hire a lawyer to defend Ian against the government-paid lawyer just to fight for the chance to appeal to the Health Services Appeal Board. This is totally bizarre.

You've sicced the legal hounds on the Strathern family, you've forced them to pay \$1,500 a week for home care, you've forced them to pay for a lawyer, yet you are paying big bucks for a lawyer, you are spending \$4 million on a TV advertising campaign, and the Strathern family heads for potential personal bankruptcy.

Minister, will you call off the legal hounds? Will you at least allow the Stratherns to appeal, or better yet, will you finally provide the care that Ian Strathern needs and deserves?

**Hon Mr Jackson:** First of all, I want to share with the member opposite that the issues under appeal are not an appealable item under the current legislation. That has been shared with both legal parties, with the family, and has been openly shared in this House. The family does have the right to proceed on any legal matter, as they proceed on any matters that might be relevant to the accident itself and potential liabilities and legalities that may flow from that. The government isn't stopping them from that process.

Rather, I want to share with the member once again that there are three or four ways in which we can assist families to provide as much care as possible, but there are thousands of people in this province who have specifically said that they would like to hire four or five people to work full-time as their yearly occupation —

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mr Jackson:** — to live aside individuals. There are thousands of them in this province. I ask the honourable member, if he as committed in his question, is his leader —

**The Speaker:** Thank you.

### VISITORS

**The Speaker (Hon Chris Stockwell):** I'd like to take this opportunity to introduce, in the Speaker's gallery, a group of interns from Ottawa who have joined us today for question period. I'd like to welcome them, too.

### PROPERTY TAXATION

**Mr Gilles Pouliot (Lake Nipigon):** I have a question for the Minister of Finance. Today we have with us the mayor of the largest municipality in the great riding of Lake Nipigon, Her Worship Mayor Pat Richardson. As her representative, I am simply asking for your help.



In 1997, municipalities in the province of Ontario were advised to do more with less, a situation that the township of Marathon is most familiar with. They've been doing more with less since 1992. They've cut services, increased water rates, trimmed staff positions, increased the paper user garbage program etc.

Alice, the sky is about to fall because a few weeks back the largest employer, James River, has received through the courtesy of the Ontario Municipal Board a tax rebate. They won their assessment appeal. It means \$1.607 million —

**The Speaker (Hon Chris Stockwell):** Thank you, Minister.

**Mr Pouliot:** The total revenue —

**The Speaker:** That's it. You can get a supplementary.

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I am well aware of the case of which he speaks. As a matter of fact, Her Worship and others from Marathon have been talking to not only representatives from the Ministry of Finance but the Ministry of Education. I have talked to my colleague the Minister of Education this morning, as a matter of fact, and I don't see any reason why the province should deny the request that Marathon has made for \$721,000 in education taxes of the \$1.6 million, and I am willing to work with the municipality of Marathon to see what we can do about the balance.

**Interjection:** You're halfway home, Gilles, don't blow it.

**Mr Pouliot:** Don't worry. Mr Speaker, I want to thank the ministry. This is straightforward, it's most appreciated, most welcome. But Minister, since I have already prepared a supplementary, I want to ask it.

You will realize the high debt load: 1997 average in Ontario, \$847 per household; in Marathon, it's \$2,453. Reserves: across the province, \$1,500; \$373 for Marathon. Ours are special situations.

Minister, will you guarantee that the very good response to the township of Marathon could perhaps, because everyone is appealing, apply to sister municipalities spread over the great riding of Lake Nipigon? You've already made that commitment.

**Hon Mr Eves:** Mr Speaker, was that a hypothetical question? Really, the municipality of Marathon does find itself in a very unique circumstance. Any time a municipality loses well over 25% of its tax base, approaching 30% of its entire tax base, it is indeed a very serious and crucial situation. I believe that we as provincial representatives have the responsibility to alleviate that as much as we can.

#### AMATEUR SPORT

**Mr Tim Hudak (Niagara South):** My question is to the Minister of Citizenship, Culture and Recreation. As a former amateur sports coach and referee, and in fact somewhat of an athlete before taking this job, I take a great interest in amateur sports. Canada has a well-recognized tradition, both nationally and internationally, for its amateur sport. Randy Burrige and Stan Druhlija

are two young men I grew up with who made the big leagues in the NHL. One thinks of young Matt Desrosiers, a star athlete from Fort Erie who is on a full scholarship at a division one university, and hopefully as well joining his colleagues in the NHL some day. This attests to the strength and the capacity of Ontario's amateur sports sector. We have a high calibre of athlete and I would say we would likely have a bright future in amateur in Ontario. My question to the minister is, could she apprise the House of recent developments in amateur sport in the province.

**Hon Isabel Bassett (Minister of Citizenship, Culture and Recreation):** I want to thank the member for Niagara South for the question because I'm certainly pleased to report that the provincial strategy for amateur sport is moving forward. The cornerstone of the government's strategy is to build a strong and self-reliant amateur sports strategy. We support amateur sport here in Ontario.

I want to bring to the attention of members in the House a brand new sport organization, the Sport Alliance of Ontario. Members of the board are sitting in the gallery today. They are going to be speaking with one voice for the sport organizations in Ontario. In fact they will ensure that our 82 provincial sport organizations move into the millennium totally equipped and ready to host, I hope, the Olympic Games in 2008. So things are looking up.

1510

*Interjection.*

**Mr Hudak:** The member for Niagara Falls brings up a supplementary. I'm curious about the future of amateur sports in Ontario, especially if I consider making a comeback someday.

**Hon Ms Bassett:** I want to say to the member for Niagara South that the future looks bright for amateur sport in Ontario. Together with the Sport Alliance of Ontario — the SAO — we are focusing on five priorities that include increasing participation among children and youth; supporting strong, self-reliant amateur sport organizations; developing athletes from the novice to national level; developing a safe and accessible environment; and lastly, developing leaders in amateur sport.

In addition the SAO will focus on helping establish new partnerships with the private sector, which is so important for the vitality of sport and recreation in the province. So I hope the members in the House wish the SAO well.

#### PETITIONS

##### CHILD CARE CENTRES

**Mr David Caplan (Orléans):** I've been working with George Smitherman, community activist, regarding day cares in his particular community. This petition is from the Lord Dufferin Community Day Care centre and it reads:

"To the Legislative Assembly of Ontario:

"Whereas providing day care spaces is critical for the families in Toronto that need access to them; and

"Whereas the well-being of children should not be sacrificed to tax cuts; and

"Whereas the provincial government has significantly cut the budgets for the Toronto school boards; and

"Whereas under the provincial government's ill-conceived Bill 160 there is no flexibility for boards to make up for the cuts; and

"Whereas day care spaces in schools are now threatened by these cuts with the prospect of full-cost recovery arrangements with day care centres and the threat of school closures;

"Therefore, be it resolved that we, the undersigned, petition the Legislative Assembly to repeal Bill 160 immediately, and further be it resolved that the Legislative Assembly of Ontario instruct the Minister of Education and Training to restore meaningful and flexible funding to the Toronto school boards to ensure that they are able to continue to accommodate our community day cares; and

"Further be it resolved that the Honourable Dave Johnson, Minister of Education and Training, takes responsibility for his government's funding cuts rather than passing the buck to local school boards who have no control over provincial government spending cuts."

I wholeheartedly agree and affix my signature.

#### COMPENSATION FOR HEPATITIS C PATIENTS

**Mr Tim Hudak (Niagara South):** I am pleased to present a petition from about 400 residents of Niagara South dealing with fair treatment of all hepatitis C victims. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas many Ontarians have been infected with the hepatitis C virus as a result of transfusions using contaminated blood; and

"Whereas the current compensation package only provides funding for those people infected between the years 1986 to 1990; and

"Whereas in Canada there are at least 20,000 surviving victims who were infected with hepatitis C before 1986, who placed their faith in the blood system and are now suffering;

"We, the undersigned, respectfully petition the Legislature of Ontario on behalf of the victims and their families to support the Ontario government's call for a compensation package for Ontarians who were infected with the hepatitis C virus through the blood system prior to 1986, and we further petition the Legislature of Ontario that pending a resolution of the federal liability for the contaminated blood problem, Ontario agree in the interim that such new package be funded by Ontario and the federal government on the same basis as the federal-provincial agreement covering 1986-90."

They support Ontario's leadership on this serious issue and —

**The Speaker (Hon Chris Stockwell):** Petition.

#### PROSTATE CANCER

**Mr Rick Bartolucci (Sudbury):** This petition is to the Ontario Legislature.

"Whereas prostate cancer is the fourth-leading cause of fatal cancer in Ontario in 1996;

"Whereas prostate cancer is the second-leading cause of fatal cancer for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer;

"Whereas the early detection blood test known as PSA (prostate specific antigen) is one of the most effective tests at diagnosing early prostate cancer;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Ministry of Health to have this test added to the list of services covered by OHIP and that this be done immediately in order for us to save lives and beat prostate cancer."

Because I am in support, I affix my signature to this petition.

#### TAXATION

**Mr Bart Maves (Niagara Falls):** I have a petition to the Legislative Assembly of Ontario:

"Whereas the Mike Harris government has cut the provincial income tax rate by 30%, as promised in the last provincial election; and

"Whereas a family of four earning \$60,000 a year will get a tax cut worth \$1,210 in provincial income taxes this year and \$1,385 next year; and

"Whereas 90% of Ontario taxpayers will see a cut of 30% or more; and

"Whereas the 30% income tax cut will result in a combined tax savings of \$147.5 million for the people of the Niagara region; and

"Whereas the Mike Harris government's commitment to lower commercial and industrial tax rates to the provincial average over the next eight years means that industries in the Niagara region will save \$12.4 million over this period; and

"Whereas the Mike Harris government has cut taxes 66 times since coming to office; and

"Whereas the best job creation program is a tax cut; and

"Whereas these tax cuts have encouraged the creation of hundreds of thousands of new jobs in Ontario;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario to continue to lower taxes in order to encourage the creation of new jobs and to leave more money in the pockets of Ontario taxpayers."

I'll affix my signature as I'm in full agreement.

**The Speaker (Hon Chris Stockwell):** Petitions? Member for Yorkview.

**Mr Mario Sergio (Yorkview):** I have 40 petitions addressed to the Legislative Assembly of Ontario:

"Whereas your tax reform has created innumerable and gigantic problems;



"Whereas your tax reform will displace pensioners, single wage earners and tenants;

"Whereas many business owners can no longer afford to pay from 10% to 500% increases;

"Whereas the Minister of Municipal Affairs and Housing, the Minister of Finance and even the Premier said that indeed 'taxes should come down by at least 10%';

"Therefore, we ask the Premier and the Legislative Assembly of Ontario to alleviate the burden of your tax reform and offer assistance and reduce taxes."

I concur and I will sign my signature to it.

#### PARKING FEES

**Mr Frank Klees (York-Mackenzie):** I have a petition presented to me by a number of employees at the Newmarket courthouse and land registry office. I've discussed the matter with the Attorney General, and I wish to read this petition into the record today.

"The undersigned wish to express our outrage at the proposed imposition of a monthly parking fee for employees at the Newmarket courthouse. There is no functional need for paid parking at this courthouse. There is never a shortage of parking space. There is no indication of misuse of the parking by individuals who are not attending the courthouse. Clearly, the intention of paid parking is to generate revenue for the government.

"We refuse to accept what amounts to a significant wage decrease. This will constitute a significant hardship for many of the undersigned employees and users of the courthouse."

I affix my signature to this.

#### SCHOOL CLOSURES

**Mr Tony Ruprecht (Parkdale):** I have a petition addressed to the Legislature of Ontario that reads as follows:

"Whereas Mike Harris is cutting the heart out of many communities by closing hundreds of neighbourhood and community schools across Ontario; and

"Whereas this massive number of school closings all at once will displace many children and put others on longer bus routes; and

"Whereas Mike Harris promised in 1995 not to cut classroom spending, but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

"Whereas Mike Harris is pitting parents against parents and communities against communities in the fight to save local schools; and

"Whereas parents and students in the city of Toronto and many other communities across Ontario are calling on the government to stop closing so many of their schools;

"Therefore we, the undersigned, petition the Legislature of Ontario as follows:

"That we demand that Mike Harris stop closing local schools."

I have attached my signature to this.

#### PALLIATIVE CARE

**Mr Dan Newman (Scarborough Centre):** I have a petition here today that I'm presenting on behalf of the member for Markham, the Minister of Consumer and Commercial Relations.

**The Speaker (Hon Chris Stockwell):** Read it, then.

**Mr Newman:** I'm just starting to read it, Mr Speaker. It's sent to him by Anna Jennings, RN. She's the administrator at Markhaven Inc.

**The Speaker:** Read it.

**Mr Newman:** It has to do with palliative care, and I'm presenting it on his behalf today.

**The Speaker:** I'm sorry. Thank you. I apologize.

1520

#### ROAD SAFETY

**Mr David Caplan (Orillia):** I have a petition regarding red light cameras at intersections. It reads:

"To the Legislature of Ontario:

"Whereas red light cameras can dramatically assist in reducing the number of injuries and deaths resulting from red light runners; and

"Whereas red light cameras only take pictures of licence plates, thus reducing privacy concerns; and

"Whereas all revenues from violations can easily be directed to a designated fund to improve safety at high-collision intersections; and

"Whereas there is growing disregard for traffic laws resulting in serious injuries to pedestrians, cyclists, motorists and especially children and seniors; and

"Whereas the provincial government has endorsed the use of a similar camera system to collect tolls on the new 407 tollway; and

"Whereas mayors and concerned citizens across Ontario have been seeking permission to deploy these cameras due to limited police resources;

"We, the undersigned, petition the Ontario Legislature as follows:

"That the province of Ontario support the installation of red light cameras at high-collision intersections to monitor and prosecute motorists who run red lights."

I affix my signature hereto.

#### VANDALISM

**Mr John O'Toole (Durham East):** I have a very unusual petition. With your permission I will read it into the record.

"To the Legislative Assembly of Ontario:

"This petition is put in writing, outlining our fears so that when an incident occurs there is a record.

"We are the residents 61 Ash Street, Port Perry, a seniors residence, situated behind the burned-out Catholic church and Immaculate Conception School. We border Poplar Park.

"Several cars have been vandalized, a glass bottle containing gasoline with a rag stopper found by a car, and

several Canadian flags have been stolen. These are some of our concerns.

"In the park, liquor parties go on. They leave bottles and we hear the noise at all hours. This park has a bylaw posted closing at 10 pm, which is never enforced.

"As of late, on a Tuesday night, a group of younger children (10 to 14 years), including three older girls wearing similar jackets, have been seen taunting, mooning and racing between the cars in the private parking lot. We feel intimidated as this group is becoming bolder, ie, pushing the automatic access button on our front door. This went on from dusk until 9:30 pm. Calling out to them and asking them to leave results in abusive language and gestures etc. Nobody in this building does anything to provoke these kids.

"Residents in the building are intimidated. They are afraid the kids will take revenge on their cars, so they are reluctant to call the police. By the same token, the police and council need documentation for any resolution.

"Mr Carruthers has listened, knows there is a problem, and will work to resolve it. The burning of the church, with the fire marshal's report pending, makes residents very uneasy. To go to bed with keys, purse and jacket handy is not the way to spend our senior years. We are intimidated and they know it."

This was sent, Mr Speaker, with your permission, to the mayor, to myself and to other councillors on behalf of Cecilia Ryan."

### SCHOOL CLOSURES

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario.

"Whereas due to the Harris funding cuts to education district school boards across Ontario are being forced to consider the closing of both elementary and high schools, both public and Catholic high schools, all across Ontario before next September; and

"Whereas the parents of the people in these schools do not want their schools closed, because they are operating at full capacity, and fear the further chaos and crisis the Harris government is imposing on the education of their children will hurt their children's education; and

"Whereas there is apprehension and turmoil in our communities due to the government rules which determine that those students will have to find new schools to go to by next September;

"Now, therefore, we, the undersigned citizens of Ontario, petition the Legislature of Ontario as follows:

"We call upon the Minister of Education, who has the primary responsibility for providing a quality education for each and every student in Ontario, to:

"1. Listen to the views being expressed by the parents, teachers and students of these affected schools;

"2. Recognize the fundamental importance of our local schools to our neighbourhood and to our community; and

"3. Live up to its commitment to provide adequate funding for the important and essential components of a

good education and not allow the massive closings of these schools all across Ontario."

Of course I affix my signature to this petition.

### PROTECTION FOR HEALTH CARE WORKERS

**Mr Frank Klees (York-Mackenzie):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I affix my signature to this petition.

### HOTEL DIEU HOSPITAL

**Mr James J. Bradley (St Catharines):** My petition is for the government of Ontario about the Hotel Dieu Hospital.

"Since the Hotel Dieu Hospital has played and continues to play a vital role in the delivery of health care services in St Catharines and the Niagara region; and

"Since Hotel Dieu has modified its role over the years as part of a rationalization of medical services in St Catharines and has assumed the position of a regional health care facility in such areas as kidney dialysis and oncology; and

"Since the Niagara region is experiencing underfunding in the health care field and requires more medical services and not fewer services; and

"Since Niagara residents are required at present to travel outside of the Niagara region to receive many



specialized services that could be provided in city hospitals and thereby not require local patients to make difficult and inconvenient trips down our highways to other centres; and

"Since the population of the Niagara region is older than that in most areas of the province and more elderly people tend to require more hospital services;

"We, the undersigned, request that the government of Ontario keep the election commitment of Premier Mike Harris not to close hospitals in our province, and we call upon the Premier to reject any recommendation to close Hotel Dieu Hospital in St Catharines."

I affix my signature as I am in complete agreement with this petition.

## ORDERS OF THE DAY

### NORTHERN SERVICES IMPROVEMENT ACT, 1998 LOI DE 1998 SUR L'AMÉLIORATION DES SERVICES PUBLICS DANS LE NORD DE L'ONTARIO

Mr Spina, on behalf of Mr Hodgson, moved third reading of the following bill:

Bill 12, An Act to provide choice and flexibility to Northern Residents in the establishment of service delivery mechanisms that recognize the unique circumstances of Northern Ontario and to allow increased efficiency and accountability in Area-wide Service Delivery / Projet de loi 12, Loi visant à offrir aux résidents du Nord plus de choix et de souplesse dans la mise en place de mécanismes de prestation des services qui tiennent compte de la situation unique du Nord de l'Ontario et à permettre l'accroissement de l'efficacité et de la responsabilité en ce qui concerne la prestation des services à l'échelle régionale.

**Mr Joseph Spina (Brampton North):** I am pleased today to lead the debate on this third reading of Bill 12, the Northern Services Improvement Act. First, I thank everyone who has been involved with this important piece of legislation, important for many of our northern Ontario residents.

Today we take another step down the legislative road that will give northern municipalities an optional governance tool that will allow them to deliver better and more efficient services at a lower cost to taxpayers.

My colleague Chris Hodgson, the Chair of Management Board of Cabinet and Minister of Northern Development and Mines, reintroduced the Northern Services Improvement Act earlier this session, meeting this government's commitment to help northerners help themselves.

While we are bringing meaningful change to the way local services will be delivered in the future, we're doing it with legislation that reflects the ideas and recommendations of northerners. In crafting and developing this

Northern Services Improvement Act, we consulted extensively with our northern partners. We met with both opposition parties more than a year ago. We met with umbrella associations — the Federation of Northern Ontario Municipalities, FONOM, and the Northwestern Ontario Municipal Association, NOMA — and in the formative stages we were involved in an ongoing dialogue with a group called Team North, northern representatives who were specifically called together to consult on this legislation. They ranged from people from North Bay to Kenora. We hosted delegations from individual communities during the Association of Municipalities of Ontario's annual meeting and met with representatives of many unorganized communities as well.

When Bill 12 was referred to the general government committee for public hearings, we listened to many presenters in Kenora, Thunder Bay, the Soo and Timmins. We listened and we learned. I particularly thank members of the opposition and the third party for their diligent and at times spirited participation in those hearings and the subsequent clause-by-clause review, particularly the member for Cochrane South, who was very passionate about getting what we felt was the best bill possible for the people of northern Ontario. We debated numerous proposed amendments and adopted several, and by doing so we feel that we've made a good bill better.

#### 1530

Bill 12's excellence, more than all else, I think speaks to the insight, guidance and tenacity of our municipal leaders in the north in preparing and moving this bill along. In fact, the bill was modelled very much along the lines of some of the proposals brought forward to the minister before this bill even became a bill. I share the minister's sense of pride in knowing that Bill 12 has been developed through a process defined by co-operation and partnership.

The most important component of Bill 12 is the provision for the establishment of service delivery bodies called area services boards. ASBs will provide an alternative for delivery and funding of certain key services in northern Ontario. I can't stress enough that this is enabling legislation. Bill 12 will allow municipalities and unincorporated areas in the north to consolidate the delivery of core social and community health services as well as a range of optional services if they so desire. Area service boards are optional. They will be created only where groups of communities want them.

Where approved, these ASBs will be responsible for delivering Ontario Works, child care, social housing, land ambulance, public health and municipal homes for the aged. These new service delivery bodies will be administered by a board consisting of elected representatives and having direct taxing authority over time to recover costs for those services delivered, and only for those services delivered. ASBs would make it easier to achieve greater efficiency and cost savings in service delivery by consolidating a number of single-purpose bodies into one effective, locally accountable delivery agency. That is what we strive towards.

Currently, the northern municipalities are organizing themselves into district social services administration boards for the delivery of a number of social services. We hope that many of them can look to this act to achieve even greater efficiencies on a broader basis than the DSSABs.

With Bill 12, northern municipal leaders will be able to bring forward local governance proposals tailor-made to suit the needs of their communities and the unincorporated areas. Area service boards are unique. They're unique because they can be framed to meet particular local needs in that area, designed and desired by the residents. Municipalities will select boundaries that result in the best balance of cost-effectiveness and cost fairness in the face of local realities. Northerners told us time and again that they require flexible legislation to deal with the issues. They don't want a Queen's Park solution, a Toronto-made solution for northern issues and northern problems. They want a northern-developed, northern-designed solution to address the needs of northerners, and this bill will give them that.

Flexibility is the hallmark of this legislation. Equally important, this legislation decrees that ASB representatives would be drawn from the ranks of existing elected officials across northern Ontario, and again not by Queen's Park appointment. It is not our intention to create new bureaucracies. Like the other service delivery initiatives introduced by this government, ASBs will make it possible to find savings by reducing waste and duplication at the local level. Northerners can customize these delivery agents to meet their local needs where they choose.

It's also significant to note that ASBs would be directly accountable to the municipalities and unincorporated areas that they serve. Our government has always maintained that accountable governments are good governments, and services administered at the local level are likely to be of a higher quality, more relevant and more responsive to the local constituents.

The Northern Services Improvement Act contains provisions to reform the local services boards in the north, to provide them with the authority to deliver road and library services. Again we have tried to respond to the need identified by northerners for a more coordinated approach to a local service delivery. These changes are designed to lower costs and lessen volunteer workloads in communities where no municipal government may exist in an organized way. Clearly the result can be better services to all those northern taxpayers.

I appreciate having the opportunity to participate in this debate. As a northerner, born and raised in Sault Ste Marie, I truly appreciate the needs, the desires and the objectives that our northern people require to be able to have a better lifestyle. I urge all my colleagues on this side of the House, particularly those fellow colleagues from northern Ontario who represent the north, and across the House floor to support the passage of this enabling legislation that our northern communities have asked for and our northern communities so rightly deserve.

**The Speaker (Hon Chris Stockwell):** Questions and comments?

**Mr Gilles Bisson (Cochrane South):** I want to thank the parliamentary assistant for the fine compliment he afforded me in regard to my spirited participation on the committee. I just want to say to the member, and also to other members of the Legislature, that it took a little bit for some of the members on the government side of the committee to understand that some of us from northern Ontario who participated in this process — all of us, I would say — take it very seriously.

When we saw the original bill, we thought it was going in a general direction that was OK, but there were some problems in how the bill was put forward and how it was drafted. We brought forward a number of amendments, which I must say we were successful in getting, that will allow the municipalities a bit more flexibility when it comes to their ability to carry through with an ASB, as well as very important amendments for the francophone community in northern Ontario.

I just want to say to the parliamentary assistant, you were saying in your wrap-up comments that you're looking forward to municipalities utilizing this legislation to design their own solutions, and I only hope you allow them to do so. You would know that in our district, the Cochrane district, because of the latest letter from the Minister of Community and Social Services, they are forcing municipalities into a district services board arrangement quite contrary to the wants and needs of the municipalities involved, both the city of Timmins and those municipalities along Highway 11 from Hearst to Matheson.

I only hope that the government will see their way to the positive result of accepting our recommendation, which is that you give an indication to the local municipalities along Highway 11 that they would be allowed under ASB legislation to control and create their own area services board, less the city of Timmins, and allow them to do what they need to do between the two of them in a more co-operative effort. I can tell you that the other way, the DSB solution, is not to the wants or the needs of any of the people involved. I hope this bill will give them that opportunity.

**Mr Frank Miclash (Kenora):** I'll be speaking on this in a little bit more detail later, but I would like to remind the parliamentary assistant that during the visit to Kenora he was reminded on a number of occasions of the flexibility that local services boards would be looking for in this legislation. He was reminded by a good number of presenters that this is a new concept that we'll be venturing into in terms of unorganized areas within the region.

The government is certainly going to have to look at flexibility not only in terms of this new legislation and changes that may come about when they find that some of the things just aren't working, but in terms of funding as well. There were a great number of comments regarding the funding and that when area services boards were to take control of various services within their areas, they



would have to take a look at who would be paying. Of course, that would be the local taxpayer within that services board region. The presentation in Kenora, as he will remember, was around who will fund this, will we be taking a look at funding from the natural resources that come out of the area and exactly where the dollars would be coming from.

Something that I pushed for a great deal was for committee hearings when it came to Bill 12. I must say that, as I travelled with the bill in northwestern Ontario, we certainly heard a good amount of very helpful input into Bill 12 which led to third reading here. I just hope the government heeds the experience we listened to and the great amount of comment and input we received during those travels in northwestern Ontario.

1540

**Mr Len Wood (Cochrane North):** Just briefly on the speech from the parliamentary assistant, I also travelled around the province in northeastern Ontario and northwestern Ontario on Bill 12, and there was a lot of concern. Some of the concern was on the dumping and downloading, and now Bill 12 is supposed to take care of some of those problems that were created by Mike Harris and the Minister of Northern Development and Mines and Natural Resources dumping all these additional services on to the property taxpayers. As a result, Bill 12 was supposed to be enabling legislation to have these services delivered in an efficient manner. Whether that's going to be the case or not, we know that with the DSSABs the local agreements the people wanted were being overruled by the minister, Janet Ecker, deciding that the local communities along Highway 11 could not form their own board without being included as part of Timmins. That created a lot of anxiety.

At the same time as Bill 12 and the DSSABs were being discussed, there were attempts made at forced amalgamations within the areas and this was creating concern. It's all because of the government dumping and downloading and wanting the taxpayers to pay for services, whether it be in organized areas or unorganized areas, that normally are paid for out of the general tax revenue. Now they're saying, "If we have to give a 30% tax break to the wealthiest people in this province, we have to find a different way of raising money." Bill 12 is one of the ways of raising revenue from unorganized areas and delivering the services, and taxpayers — property owners — are going to pay for it.

**The Acting Speaker (Mr Marcel Beaubien):** Parliamentary assistant.

**Mr Spina:** People ask me if I was parliamentary assistant for northern Ontario because I'm from the riding of Brampton North, but I would like to think it was for other grandiose reasons. That's where my mother and my family live. In any case, thank you to the members for Cochrane South and Cochrane North and the member for Kenora.

**Mr Steve Gilchrist (Scarborough East):** The shores of Hudson Bay.

**Mr Spina:** The member from Scarborough is all too accurate with his comments sometimes.

I appreciate the comments of the members. We heard these discussions through the hearings, through the clause-by-clause, and we debated these issues very clearly and I think succinctly. We kept in mind the objective of this government, that we were trying to do things more efficiently, trying to achieve a more efficient delivery of services of all levels of government. That's why we got into the whole Who Does What exchange. It wasn't simply a downloading or a dumping as the member for Cochrane North says, but really there was a problem in the past.

One of the problems that concerned the unorganized, if I can just draw the members' attention to it, was that they didn't want to actually formally amalgamate to a community, and this opportunity to create an area services board will allow them to still remain as part of an unorganized territory and yet be able to pay for the services that can be delivered for them when and where they choose.

**The Acting Speaker:** Further debate? The member for Sudbury.

**Mr Rick Bartolucci (Sudbury):** Thank you, Mr Speaker. I will be starting off our caucus's hour. However, we will be sharing the hour among the five of us and that will be the member for Kenora, Mr Miclash; the member for Algoma-Manitoulin, Mr Brown; the member for Port Arthur, Mr Gravelle; and the member for Timiskaming, Mr Ramsay, in that order.

I too am very happy to be able to take part in this debate. I have serious reservations about this bill. I have had them from the first meeting the parliamentary assistant to the Minister of Northern Development and Mines and I had last Christmas. Certainly nothing that's happened over the course of the last six or seven months has stopped the fears I have with this piece of legislation.

The parliamentary assistant suggested this is enabling legislation. It is defined as enabling legislation but in reality it is conflicting legislation, and the potential here for conflicts between the Ministry of Health, between the Ministry of Community and Social Services, between the Ministry of Northern Development and Mines is paramount in importance as we debate and finally vote on this bill this evening. What has happened with the Ministry of Community and Social Services in trying to create the DSSAB is what's going to be happening here through the Ministry of Northern Development and Mines when we try to create these area services boards.

Speaker after speaker after speaker brought this to the government's attention as we travelled northern Ontario, and I'm suggesting to you, Speaker, and to the Ministry of Northern Development and Mines people that what we're going to see here is confusion reigning supreme. It isn't enabling legislation at all. It is conflicting legislation and it's going to be legislation that forces groups to become part of an area services board, even though they won't want to. They will have no option, except to take part in this area services board.

I would suggest to you, as several presenters said, that Bill 12 is a part of a disturbing pattern of creating very large units for governing northern Ontario. I believe the pattern threatens to reduce the level of services in northern Ontario and the ability of citizens to have a say in how they are going to be served and how they are going to be governed.

There is absolutely no question in my mind that this is the imposition of another level of government, and I thought that was contrary to the fundamental philosophy of the Mike Harris government in that they wanted and they espoused lesser government or less government involvement in people's lives. Well, clearly this legislation increases government in people's lives. Despite the fact that the Harris government claims that these area services boards are not government — they refer to them as corporations — the reality is that they have the power of taxation and as such will require a bureaucracy, and as such this is nothing short of more government.

This extra level of government is going to have a profound influence on the lives of many people. I just want to talk about the people in the regional municipality of Sudbury for an example, one of many. The reality is that we have a regional form of government already and this area services board is a regional form of government. The parliamentary assistant and the members of the committee heard that from so many people across northern Ontario as we travelled in committee. This is an extra level of government. It is a redundant level of government, especially in the regional municipality of Sudbury because our region is already providing the services that this area services board legislation would deem to allow an affected area.

The logical conclusion then would be to exclude the regional municipality of Sudbury from this legislation as it is the only region in northern Ontario. That was an amendment we put forward. It was an amendment that made complete sense to the members of the official opposition and to the members of the third party. We saw it as increasing the amount of government for the regional municipality of Sudbury residents. However, the government refused that amendment. So what we have now is not enabling legislation any more, but conflicting legislation among ministries. That will not enhance the service level or the delivery of services at all, but will in fact cause more problems down the line.

1550

I suggest as well that there are still many groups that are not satisfied with what happened during the committee or after the committee. I'd like to spend just a few moments talking about the OMA's presentation, which took place on August 11 in Kenora. The OMA has reservations about Bill 12, but it thought the government would listen to its recommendations and in fact the president, Dr William Orovan, suggested that Bill 12 could be a good piece of legislation if the government chose to listen and make the proper amendments to the legislation to ensure public health needs were protected, enhanced and enshrined.

The reality is that didn't happen. In fact, every one of the recommendations made by the OMA with regard to

the power of the Ministry of Northern Development and Mines in competition with or in conflict with the Ministry of Health was not accepted. The reality that there would be an enshrining of the Health Protection and Promotion Act was not accepted. There was a concern on the part of the OMA that the area services boards undertake the provision of public health services, that the area services board must be deemed to be a board of health within the full meaning of and fully subject to the Health Protection and Promotion Act. Again, that was an amendment that wasn't accepted.

We're hearing from the parliamentary assistant that this is a government that consults widely. The problem that is in place now, the problem that has been in place since 1995, the reality, is that this government doesn't listen to the people who are most affected by the legislation they bring forth. Because they haven't listened, Bill 12 is a little weaker than it could have been if they had listened to the many recommendations we've heard.

I want to address the French-language issue for a second, because that was certainly a concern of ours and indeed of the third party. We now have French-language services being provided in the form of what we'll call a letter of intent. I don't think that goes far enough in protecting the services. I would hope that people across northern Ontario would agree with me that if you want to protect something, you put it in legislation. The government refused to do that. They refused to enshrine French language rights in that legislation. Although — and I'll give full credit here — Mr Bisson fought very hard at ensuring that was a part of the legislation, the reality is the government said no to that and put it in the form of a letter of intent. I would have felt a lot more comfortable if that were enshrined in the legislation.

The regional municipality of Sudbury certainly has trouble with 3(a), the accountability, and section 2(a) with regard to efficiencies, and section 2(b) with regard to public access and participation. Recommendations were made but weren't put forth by the government in the form of an amendment. In fact they were voted down.

I suggest, as I wind down my time, that it is very important for the people of northern Ontario to understand that the reason for this legislation is purely and simply the result of very ill-conceived and poorly thought out downloading initiatives on the part of this government. A KPMG study would indicate that all 11 northern Ontario municipalities are ranked among the 25th percentile of municipalities with the highest cost. Whether you look at per capita cost of downloading, whether you look at per household cost of downloading, whether you look at the education tax available, you will find that the most negatively affected area of this province is consistently northern Ontario municipalities.

If you want to compare the regions of Ontario, the picture is even worse. If you look at the regional municipality of Sudbury, the only region in northern Ontario, the per capita cost ranking is the second hardest hit, per household cost is the second hardest hit, education tax available is the hardest hit, reliance on the municipal support grant is the hardest hit, and in regard to the most



savings required, they rank first in having to achieve the most savings.

I don't believe that Bill 12 will meet the needs of northerners. I don't believe that Bill 12 will be able to provide those services the way it should be providing services through the use of area services boards. I would suggest to the House, I would suggest to the parliamentary assistant for northern development and mines and I would suggest certainly to the Minister of Northern Development and Mines that had they listened to the people of northern Ontario, had they taken the advice and the recommendations they heard throughout northern Ontario, had they listened to the two opposition parties in offering viable alternatives to their legislation, the reality would be that I would be able to stand up and say I can support Bill 12. The real reality is that's impossible because this government again didn't listen to northerners.

**Mr Miclash:** I too am privileged to participate in the comments made about Bill 12. I was happy, as I indicated earlier, that Bill 12 did go to committee and did come into northwestern Ontario. As I indicated earlier, we heard a good number of very positive comments in terms of Bill 12 and in terms of its being a move in the right direction. We listened to one presentation in Kenora by the mayor of Jaffray Malick, who talked about governance. He indicated that the Northern Services Improvement Act was a move in the right direction and he suggested that it would consolidate services and eliminate the duplication of services at the local level.

But he also brought out a very important aspect and suggested that one size does not fit all, and we've heard this a great many times. I, as a northern member, have brought that to the House on more than, I would say, a thousand occasions, since we know it's important that people in the north actually get a say over what is going to happen in terms of how government is going to affect them. The mayor of Jaffray Malick made that very clear in his remarks to the committee.

We also heard a good amount about flexibility. I mentioned that a little bit earlier about the people in terms of these new area services boards having the flexibility to make changes as they move into this, a new type of government. That came up a number of times as we heard about them coming into the unorganized areas, the unincorporated areas of the province.

It was suggested that the board should have flexibility to tax for the services they were going to be providing. With flexibility to tax, who are the people who are going to pay the taxes? Of course those are the folks located within that area services board. That argument arose a good number of times as well, as to where the dollars would come from. A good number of people, in particular mayors and reeves of the region, whether the president of the Northwestern Ontario Municipal Association, Mr Canfield, or the president of the Kenora District Municipal Association, Mr Valley, who made a presentation, talked about control over the natural resources revenues.

1600

As we know, a great number of provincial dollars come from the revenues in our natural resources, such as our

mining, our forestry, and dollars that come back into the provincial coffers from these. There is a real concern in northern Ontario, particularly in northwestern Ontario, that we see that money flowing from our region into the general revenues of the province, but we don't see much of it flowing back. Mr Speaker, if you were to take a look at the dollars that are generated in terms of these very important economic producers in our region, you too would soon find that it's a very unbalanced flow.

The president of the Northwestern Ontario Municipal Association made a great presentation to the committee. We should be listening to what he had to say in terms of his experience not only as a reeve, a mayor, a councillor in one of our municipalities but also as the president of the Northwestern Ontario Municipal Association, and I'd just like to read into the record what he had to say:

"If this is strictly a downloading exercise to put the costs on the areas where they're incurred, the reality is that we'd basically be a Third World state if we had to pay the full cost. It's just not feasible unless there is some type of revenue passed down from our natural resources, whether it be mining, forestry or whatever it might be."

The president of the Northwestern Ontario Municipal Association is certainly saying that, yes, we're going to have to take a look at some revenue that will come back from the government coffers in terms of our natural resources and what they contribute to the general revenue.

There were a good number of presentations made during the committee's travel throughout northwestern Ontario, but I think what we heard was the concern about how we were going to move into Bill 12 and what it recommends in terms of area services boards. I know the folks at the Kenora District Municipal Association and the District of Kenora Unincorporated Ratepayers Association were quite concerned about the flow of governance from what we call the DSAABs that are presently set up to deliver some of the services to the area services boards. This was certainly a concern that was brought to our attention a number of times. They were looking for the mechanism and they felt that the mechanism had to be articulated in the bill in terms of this travel of service from one group to the next. They were talking about that as well as who would pay for those services.

Another excellent presentation was from the Oxdrift Restructuring Committee. We had the vice-chairman, Mr Robert Wall, present to us, and he suggested that this would be the way to go and that we would have to watch the cost in terms of the services that were being offered and be aware of the powers that would be given to the local services board and, again, who would pay for those and where those particular dollars would come from.

The Kenora District Municipal Association president, Roger Valley, whom I mentioned earlier, the mayor of Dryden, indicated that he was happy with the way the local services board was heading and he suggested that their service or responsibility would possibly — and this was one of the negative things he said would happen with that — that the structure of these might stand in the way of restructured local government. We listened to some of his

concerns as well, when it came to the development of the area services board.

I would like to wrap up by saying that there were a good number of presentations given in northwestern Ontario and a good number of concerns expressed, concerns with the downloading and the dumping. We've heard many times in the House as well a lot of concern about what is being dumped on the local taxpayer. We can remember back to 1995 where the now Premier, Mr Mike Harris, said there's only one taxpayer in Ontario. It's we as members in northern Ontario who go back and face that one taxpayer as they realize the increased downloading, the increased dumping.

I've brought to the attention of the House many times what this is doing to them. Their 30% personal income tax reduction provincially is doing nothing. For example, an issue we brought to the House last week, people having signs on crown land along the highway got a bill in the mail. Last year they may have been paying \$300. The government was saying, "This year you're going to pay \$900." It wasn't until I brought that to the attention of the Minister of Transportation and the Minister of Economic Development and Tourism that we actually got it changed. But here we have government trying to slip in another user fee and trying to dump this again on to the local taxpayer in northwestern Ontario.

It was nice to have the committee in northwestern Ontario, and it was certainly nice for them to listen to some of the concerns. I just hope they did that. I hope they did actually listen to the various presentations given to them and the concerns they heard.

**Mr Len Wood:** On a point of order, Mr Speaker: I believe we have a very good debate going on Bill 12. It's a very interesting debate, but we don't have a quorum. Would you check if there's a quorum, please?

**The Acting Speaker:** Would you please check to see if we have a quorum.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** Further debate. The member for Algoma-Manitoulin.

**Mr Michael A. Brown (Algoma-Manitoulin):** Thank you, Mr Speaker, it's a delight to see you in the chair.

I have to open this debate on Bill 12 from my point of view by saying this is just impossible to support. This bill is about the downloading of costs to the property taxpayer. Make no mistake about it, that is the only reason this bill exists. In the areas I represent, this bill will increase the cost to the property taxpayer by considerable sums. It is a downloading of provincial responsibility to the property taxpayer, who will now have to foot the bill for many services that he or she thought they had already paid for, and I think they have.

The second thing you could say about Bill 12 is that it is about big government. It is about Big Brother telling you how you must do something, telling you how you have to pay for it.

The government tries to frame this as something northerners wanted. Well, nothing could be further from the truth, and my friend the member for Brampton North knows that. Northerners did not want these costs downloaded to them. Northerners believed that this was a bad trade. Remember way back. The situation was that the government said: "We will take all the education tax off the local property taxpayer and you will get these services instead. That will be the trade-off and that will be," to use a bad phrase, "revenue-neutral." For goodness' sake, it isn't revenue-neutral. Through the area I represent of Algoma-Manitoulin, in many cases, because it was an average of 50% of the residential property tax that was supposed to be deducted, it didn't work out even to be the 50%; it worked out to be 70%. The government loves to use the word "average," but average is just that: Some people will pay more and some people will pay less.

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In the district of Manitoulin, for example, we know, because we've seen the bills come in, that the bills for education are 70% of what they used to be, and now we have a new level of government being imposed upon us. We didn't ask for it, but we're having a new level of government imposed upon us. So local people will have very little control, because the provincial bureaucracy really decides where everything happens; you just get to pay for the administration of it. In many cases in the district of Manitoulin and along the North Shore, they will have some representation, but it will be indirect at best and it will not be accountable to the local councils which will actually be paying the bills.

So we have a situation where we have a big, unaccountable body being set up out of nowhere to deliver services to the people of northern districts. The district of Manitoulin was the only district that was denied its request by the Minister of Northern Development. The minister had the opportunity and said he would not impose a particular model unless it was agreed to by local folks. In the district of Manitoulin's case, it asked to be by itself. The minister said: "Not for you. You're the only one. You can't have it. Everybody else can have it, but you're going to be with the district of Sudbury whether you like it or whether you don't." That's what he told them. What do you think the local folks thought about that? Well, they didn't think a heck of a lot of it.

I have some press reports from the Manitoulin Recorder. That's printed in Gore Bay, as everyone would know. We have the reeve of Assignack township, Dave Ham, saying: "I am continually surprised when I think of the province feeling bigger is better; in this case it sure as hell is not. By having our own DSSAB another half million bucks will be saved. I am perturbed with the provincial government's Common Sense Revolution when I don't hear any common sense...."

We have Perry Anglin, the reeve of Central Manitoulin. Perry Anglin made a terrific presentation to our committee, by the way, when it travelled to Sault Ste Marie. Mr Anglin said: "Manitoulin Island is in too large a DSSAB area. Having said that, I'm not suggesting that we



feel our own DSSAB will do it, but we have captured their attention. The minister has heard that Manitoulin Island will, in effect, be subsidizing the welfare rolls in other northern districts."

The minister, Mr Hodgson, totally ignored him, but at least he talked to him. Mr Anglin and some of our other reeves spent some money and went over to a Conservative fundraiser and actually talked to Mr Hodgson. It didn't do them any good, but at least Mr Hodgson talked to them. They wanted to meet with the Minister of Community and Social Services, and that meeting was refused repeatedly by the minister. I can't understand why that would be, other than that her mind was made up and meeting with her would have been futile.

The reeve of the new township of Burpee-Mills, my friend and curling colleague Les Bailey, said, "I don't think we know what we would all be getting into if we joined this large board." I think Mr Bailey is expressing the views of many northerners that believe we are buying into a pig in a poke. Les would like that; he used to raise hogs. He's kind of the squire of Burpee township.

The second reason the people particularly in the district of Manitoulin, but I'm sure in Espanola and along the shore, have some real problems with this is that they've seen the creation of new, gigantic, distant governments for other things. We have seen the Rainbow board of education created out of the old Manitoulin, Espanola and Sudbury public boards of education. We have seen the most astounding decisions by the Rainbow board of education.

We have seen a decision which said the clients of Hope Farm could no longer ride on the school buses to get to Hope Farm. As people would know, Manitoulin Island is a big area, with no public transportation other than school buses. For the clients to get to Hope Farm, which is located in Mindemoya, right in the centre of the island, they have traditionally gone on the school buses. The school buses don't have to go off any existing route; they stop where they would normally stop. It's no big deal. But the Rainbow board of education said: "Those clients of Hope Farm who need transportation can't ride on our buses. You can't do that."

Now, other boards do it. Haldimand does it. Waterloo does it. But not the Rainbow board. And why? Because it wasn't the policy of the Sudbury school board. So what the policy of the Sudbury school board was is now the policy of Manitoulin, and I've had some calls in Espanola about the same issue. They don't respond to what the local people want, because it's way off in Sudbury, 200 kilometres away. What do they care?

The CCAC, community care access centre, would not appoint a member from Espanola or from the island until I complained and I complained and other people complained. Finally, so many people on Manitoulin were upset that they signed up, joined the board and elected two members. But without that, it seems to me there would still be no representation on the Sudbury Community Care Access Centre, the one that looks after our long-term care. That board, off in Sudbury, making its decisions, has

decided that the nurses who provide home care on Manitoulin Island are not providing a good enough service. They're going to fire them all. They're all out of there. Two years from now all the nurses who have provided care to our elderly are out the door because they're going to contract with somebody else to provide the service.

I don't think that's a decision that would have been taken locally; I know it wouldn't be taken locally. But it's a big, impersonal board, headed by a club of people in Sudbury, a group that is not familiar — with the exception of the newly elected people from Manitoulin — with any of the rural issues, and they're going to do it regardless of what anybody else says.

We see the big boards and distant boards provide usually more expensive services, but you get fewer services. That's why our people don't believe the DSSAB will provide services to Espanola or Manitoulin or Massey in a way that is reasonable.

I only have another couple of minutes, but I want to go back to Perry Anglin's presentation. His presentation was probably the most powerful any of us heard as we went across northern Ontario. He says, "Bill 12 is part of a disturbing pattern of creating very large units for governing northern Ontario."

**Mr Gilles Pouliot (Lake Nipigon):** On a point of order, Mr Speaker: I apologize to my friend and colleague. It's so intriguing and interesting, but the government has failed in its duty to provide us with a quorum. Would you please call for a quorum?

**The Acting Speaker:** Could you please check to see if we have a quorum in the House.

**Clerk Assistant:** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

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**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Algoma-Manitoulin.

**Mr Michael Brown:** It's good to see that the government is at least now feigning some interest in these issues.

Mr Anglin pointed out in his brief to the committee, and I think it is worth repeating here:

"The provincial government has said that it wishes to consolidate services regionally in order to achieve administrative efficiency and to improve service. Unfortunately, area services boards under Bill 12 will do neither; nor will their predecessors, district social services administration boards.

"I believe that it is widely understood by experts on public administration across Canada that new regional governments do not save money by delivering services more efficiently. Area services boards would in fact break up efficient, province-wide administration for programs such as police, ambulance, social housing and public health. Right now, the administration of these programs is tailored to efficient administrative districts, with common management and political direction from Queen's Park. In what you could call 'deconsolidation,' the government is creating 11 new governments in northern Ontario, and adding responsibilities, each with its own overhead costs,

to about four times that number in southern Ontario. The government is then force-fitting all programs into the boundaries of the new regions, regardless of what makes sense for each program."

Mr Anglin has it right.

The other presentation I heard in Sault Ste Marie that was most forceful was David Court's. David Court, who is now the administrator of the district services board for Algoma, a well-experienced, knowledgeable gentleman, came to say that the cost of these DSSABs will be the largest single expense for property taxpayers above all else; above education, above roads, above everything else. He even went so far as to suggest that maybe we should just have the DSSABs send out the tax bills, because they were the major beneficiaries of the dollars.

Bill 12 is unsupportable in any form. This is a bad bill. Northerners do not want another level of government. Northerners don't want Big Brother dictating to them how much things cost and where their property taxes are going to go.

**Mr David Ramsay (Timiskaming):** I'm pleased to stand up today and speak on behalf of our party and specifically for the constituents I represent in the Timiskaming constituency, who also will be very much affected by this downloading exercise of the Harris government. It's curious, the long, very flourishy and flowery titles of these acts. To explain to the people at home, I'll just read the title. It says, "An Act to provide choice and flexibility to Northern Residents in the establishment of service delivery mechanisms that recognize the unique circumstances of Northern Ontario and to allow increased efficiency and accountability in Area-wide Service Delivery."

**Mr Michael Brown:** Who could be opposed to that?

**Mr Ramsay:** On first blush, it looks pretty good. It looks like motherhood. As my colleague from Algoma-Manitoulin said, who could be opposed to this? The problem, and why we are opposed to this, is that this is a force fit, as my colleague said in the previous remarks, of a second tier of government. In the north, unlike in southern Ontario, where there has traditionally been a county system — so two tiers of municipal government, both county and local, being either a town or a township — we have only had one tier of government, just being the local government. Our territorial districts of northern Ontario have had no political organization. They are basically geographic boundaries and judicial boundaries and had no political organization at the municipal level.

Now what the Harris government is proposing is an additional level of local government imposed upon the area of northern Ontario. This is really surprising in an age when I thought the Harris government was into efficiencies, into simplifying government and getting rid of red tape. But because of all the downloading exercise and all the new functions that municipalities now have to be responsible for, the government started to realize that the municipalities in northern Ontario would not be able to handle this downloading on their own, and I suppose also because of our unique circumstance of having something

that doesn't exist in the south, what we call unorganized areas, that is, vast regions of the north where people live but there is no local government. They live there without any local government. I guess that's a sense of freedom that maybe some of us have in the north, and that will no longer be the case in that they will all come under these new area services boards.

This, like many other bills of this government, such as the municipal property tax series of bills, is in a bit of a mess in that this is not the initial bill to organize this. There already has been an organizational change in the north, which my colleagues have referred to as DSSABs, which stands for district social services area boards. They now are beginning to be or are already in place in northern Ontario. These social services area boards are starting to act in place of these new area boards to start this downloading that is now the responsibility of municipalities this year, thanks to the Harris government.

What we're talking about is the establishment of these area services boards throughout northern Ontario, and they are being charged with providing services in the areas of child care, social assistance, public health, social housing, ambulance service and homes for the aged. It's interesting to note that most of these downloaded services are not services that northerners asked to have downloaded. These are services that the vast majority of northerners — I know every one of my colleagues in the Liberal caucus — believe should be at the provincial level.

What we're seeing is that already, with the new pressures of property assessment, the increases in the new commercial taxation and residential taxation at the municipal level in northern Ontario, pressure is already starting to develop at the council level — ironically, not at Queen's Park but at the council level — with people coming forward and saying: "I wonder if we really can afford in Town X this level of ambulance service that we've been used to. Maybe we can't have 24-hour-a-day ambulance service in our town. Maybe we'll have to have an on-call system for 18 hours a day."

These are the beginning of suggestions that local councils are being presented with that start the pressure of the deterioration of basic, fundamental services that northern Ontarians, like all Ontarians, have come to expect. What we're going to see is the establishment, I would say the furtherment, of two levels of services in this province.

As we've seen already in an Ontario Hospital Association study released this week, northerners are more sick than southerners; the entrance to hospitals in northern Ontario for heart disease and for asthma is two to three to four times that of the rate in Toronto. It's really ironic that we feel very proud, partly, I suppose, because of the lack of industry, that our air is a little cleaner in the north, yet we have four times the asthma rate at hospital admission than they do here in Toronto. Something is very wrong in northern Ontario with regard to health provision.

Here now, through this bill, we are getting more responsibility for basic health, public health, social assist-



ance, child care, social housing, ambulance and homes for the aged. It's wrong. It is not the way to go. These are fundamental services that the province should be handling, not the local level. In northern Ontario we do not have the assessment-rich municipalities that can generate the revenue to support these services. These are services that should be funded through revenues derived from a progressive income tax system that we have in Ontario, so that the more money you make the greater contribution you make to these services, not based on maybe the present value of a home. You might find yourself now a widow in that home and unable to keep that up by paying the current taxes.

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We have to remember that these taxes are going to increase. With this downloading, the initial shock, though tremendous to some, is not what it's going to be in another year or so when the transitional funding stops. The government put a huge cushion forward to the municipalities to cushion the blow of the downloading called transitional funding, but they said in their announcement that it would only be there for two years. It's kind of ironic, because isn't it next year that maybe an election is going to be held? It looks like the transition funding would cover the election year, but lo and behold, the year after the election the municipalities will no longer have that transitional funding. That means the full impact of the downloading will go on the backs of the women and men in northern Ontario, on their property taxes. That is what's going to happen.

What do we have here? Another layer of government that is going to add additional costs to administer these services to the people of northern Ontario. It's interesting to note that this new level of government will collide with the overall vision of this government that we should be simplifying government. What the next step might be is that if this government gets re-elected, they'll take a look at these two levels now of municipal government and probably start to say: "Why do we need these two levels of government in northern Ontario? We probably should get rid of those towns and townships." I think that's what is on the agenda here. Basically this is the first step. Rather than going to amalgamations, it will just be across-the-board elimination of the lower tier of municipal government in northern Ontario, and the new area service boards will be the municipalities of the north. That will then make way for organizations that would be capable of taking further downloading, if this government gets its way and convinces the people of Ontario for a second term. More and more provincial services will be downloaded and there will be about 12 municipalities in northern Ontario that will be charged with the delivery of that.

When I look at the study that the region of Sudbury had commissioned through KPMG, it shows that any way you look at it, whether it's a per capita or per household cost, it's the northern municipalities that suffered the most in this downloading exercise. There we are and people would say, "There is a northern member standing up and

complaining again about unfair treatment," but the facts belie the case. We were treated and are being treated unfairly. By this independent study, four of the five municipalities with the highest costs are located in northern Ontario, but all 11 northern municipalities are ranked among the top 25% of municipalities with the highest costs.

Looking at per capita cost of the downloading, Manitoulin district is number one, with additional costs of \$869 per person. Kenora district is next, with \$694. It goes on to Rainy River, Haliburton, and then there's the area I represent, number five, Timiskaming, an additional \$671 per person to be able to manage these downloading costs.

This is really just not acceptable by the people of northern Ontario. We should certainly not accept it, but unfortunately this legislation is basically a gun held at the head of the area municipalities. All of the 27 municipalities that I currently represent in Timiskaming have been forced to organize themselves into a district social service assistance board, and once this legislation is passed, will have to convert that DSSAB, as it's called, into this area service board. That is going to take place, and I would think that once that is done, the government getting over an election, if it is to get back, would start a continuation of more downloading of costs to northern Ontario residents. For that reason I will not be supporting this bill.

**Mr Michael Gravelle (Port Arthur):** I am pleased to have an opportunity also to speak on Bill 12, perhaps our last opportunity to express some of the many concerns we have relating to this bill. It might be appropriate to start by simply reminding people — I know the people of this province have heard an awful lot about downloading — that it was January 1997, I believe, when the government shocked everybody and announced this massive process of downloading responsibilities on to the municipalities, which we have learned in the last year and a half is going to have a devastating impact on communities all across the province. I think what you've heard today from my colleagues in the Liberal caucus is the disproportionately large impact it has on northern municipalities. As a result of this downloading, it sort of became the process by which Bill 12 was born.

We also know that in a way there is warring legislation going on here. We have Bill 152 which created DSSABs, and we have Bill 12 which creates area service boards.

**Interjection:** — ministerial fight.

**Mr Gravelle:** There is a ministerial fight. We know that in essence, if indeed an area service board is not created with the minister having complete power to create one, although he says it will be done with local consensus, if that's not the case, a DSSAB, district social service assistance board, will simply be imposed. It's a situation where once again we're seeing the bullying by this government, where they put the municipalities in a very difficult situation, where they are forced to choose the lesser of two evils.

There's no question that when we look at the downloading reality, the downloading of responsibilities to

municipalities — this of course includes the financial downloading they've got to handle. We look at ambulance service, social housing, welfare administration, highways, public health, the Ontario Provincial Police — the list goes on and on. One of the more alarming things as well about Bill 12 is that the process could very much continue to the point where we will have these massive, basically upper-tier, governments — regional governments. Here's the government of Ontario today talking about how they want less government and they're keen to propose that there be less government, yet they're in essence forming this upper level of government, although they choose not to call it that. This is of extreme concern to us and something that we really are fighting vigorously.

I know my colleague from Sudbury talked about some of the amendments that we tried to put forward to at least make the act more palatable and how they were all rejected by the government side. There's a long history with public hearings that are not particularly successful in terms of the government listening. But in this case there was an honest effort made to make some of the changes that would at least make it easier for the municipalities to deal with this.

Another issue that needs to be talked about is the fact that the restructuring, the formation of area service boards, will only occur, they say, if there is local consensus. There are dozens of models for these new boards that could be considered by northerners, and in many areas there is little consensus on how to proceed.

**Interjection:** There's no consensus.

**Mr Gravelle:** There's no consensus at all. So the minister and the act itself can say, "We're going to decide what will be done by local consensus," but we've seen what's happened all across this province when they try to act as if there has been some local decision-making. What has happened is that this government simply has imposed. We know about the megacity debate in Toronto. We know about Chatham-Kent. We know about the amalgamation of municipalities that was simply imposed by this government. The fact is that this government didn't consult them. We have great worries about the consultation and actually allowing local consensus to hold sway here, and we don't have any real faith that's the case, that that will happen.

There are so many areas, and the whole history of this is so interesting. We know the bill was brought forward last December — Bill 174 I think it was called then. We were actually saying to the minister, "If you're going to bring this forward, bring it forward so we can see it." In fact what we said was, "Would you at least let the municipalities in northern Ontario have a look at what you're planning to do?" Under that kind of pressure, they brought something forward. Unfortunately, they had no intention of pursuing it at that time.

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I think the municipalities in northern Ontario recognize that it was, in that sense, a false move by the government, one to show some kind of intent. So we went through the winter break, came back in the spring and the bill has

gone forward. We had public hearings. I was fortunate enough to attend a number of them, and found the process pretty interesting, watching what happened. We heard so many issues of people who were very concerned about the fact that this is an imposition by government, essentially another bullying tactic by this government, and one that actually is being forced on the northern Ontario municipalities, one that they're in essence forced to try to deal with, because the provision of services under this downloading exercise would make it impossible to do it municipality by municipality.

It's going to be difficult to see how it does end up sorting out. The bill says that one municipality can ask for the formation of an area service board and they can determine how big that board will be. It's going to be very difficult. Certainly when I look at the situation in Thunder Bay and in the district of Thunder Bay, there are a lot of real difficulties. The fact is that the city of Thunder Bay has a population of 115,000 people and has some very real interests and concerns. Then when you go and look at the region, which is made up of so many important, fine communities, they want to be sure they have an appropriate say in the decisions that are made. It's going to be very difficult to make this all happen in a process that's (1) amicable and (2) actually works for the entire area. The Thunder Bay District Municipal League had some real concerns about this from the very beginning. I've spoken about it many times. As I say, I'm glad to have an opportunity to speak about it again.

When we look at the overall process, what seems fascinating to me, going back to the downloading, is that so much of the downloading is simply wrong. One area I've spoken on a great deal in the past, and one that I think this government actually acknowledges is wrong, has been the downloading of public health. The fact is that public health truly should be a provincial responsibility. It's very clear that communicable diseases do not respect municipal boundaries, and it's acknowledged that public health is something that should be managed by the province, should be financed by the province. There is no question about that.

We had extremely strong lobbying put in place to try to fight for that, to have the province maintain that. Having said that, there was a recognition that this government wasn't going to back down. We had some presentations, in Thunder Bay by Dr David Williams, from the Thunder Bay District Health Unit, who spoke eloquently, as he has in the past, about how the downloading of public health was wrong, but if indeed this was going to happen there needed to be a recognition that public health could not become the weak partner in this process. There had to be a recognition by the province that the Ministry of Health needed to be very much a legislative part of Bill 12 in order to maintain the protection of the people in terms of health care in northern Ontario. Dr Williams spoke about that.

Then in Kenora Dr William Orovan, who is the president of the Ontario Medical Association, spoke very eloquently about the fact that he and his organization had worked very closely on Bill 152 — that's the warring



piece of legislation that formed the district social services assistance boards — how he had worked to try to at least make public health work within the framework of that, and now how Bill 12 was going to basically override some of the measures that had been put in place under Bill 152 to protect public health under a DSSAB or area service board model. Dr Orovan, whom my colleague from Sudbury talked about earlier, recommended some amendments that had to take place, that needed to be in place. They were ones that made a great deal of sense. Unfortunately, during the clause-by-clause process this government wouldn't accept any of them, including the ones that Dr Orovan was very clear about the need for in terms of people being protected.

I don't think one can underestimate the extraordinary importance of this. We argued, and will argue again, that public health should not have been part of the downloading. The fact that it is in place means we have to find ways of making sure that indeed it is protected under this process.

If I had more time, I could certainly go into great deal on why other aspects of downloading are harmful.

**Mr Bartolucci:** On a point of order, Mr Speaker: This is very important legislation for the people of northern Ontario and for this House to debate today. I'm concerned that this is the third time we're going to ask if a quorum is present.

**The Acting Speaker (Mr Gilles E. Morin):** Could you please check if we have a quorum.

**Clerk Assistant:** A quorum is present, Speaker.

**The Acting Speaker:** The member for Port Arthur.

**Mr Gravelle:** I guess they sneaked back in the House. It is a very sad reflection that a piece of legislation like this —

**Mr Bartolucci:** Noble Villeneuve just came in.

**Mr Gravelle:** We are very pleased that they got back in the House. I'm very pleased that the Minister of Agriculture made his way back in here. This is an important piece of legislation. It's unfortunate that we have not been able to maintain a quorum. The government members obviously don't think it's that important. Look at that; there goes my time. It's even more reduced because there's no quorum. It's very depressing.

The fact is that there are a lot of areas that give us great concern. We have worked very hard. I was talking about some of the amendments Dr Orovan had put forward. One of the very strong concerns is that the decision-making powers for public health in the north reside with the Minister of Northern Development and Mines. There is no legislative requirement for the minister to involve the Minister of Health or obtain the approval of the Minister of Health. That's clearly wrong. The fact is that an amendment was put in place to try to change that. It was rejected by the government.

There are other issues in terms of public health that they had great concerns about. All I can tell you is that I have dealt with the municipalities in my part of the province, largely through the Thunder Bay District Municipal League, and there has been nothing but a great deal of

concern about this process. The process of consultation was not thorough. In fact, when we were having our public hearings we wanted to get to many more northern communities. We wanted to have an opportunity to have more people understand what the implications of this bill were. We are not going to support this piece of legislation, because we made every attempt on a number of occasions to persuade the government there needed to be changes to make this process work if the municipalities were going to be forced into this.

We know what has happened in terms of property tax increases for our northern communities, and they're massive. They were as a result of this particular legislation as well. We felt very strongly you needed to support some of these amendments in public health and in many other areas. We did our best to put those forward. We were not listened to by the government. We will not support this piece of legislation, and we will continue to fight regardless of where it stands.

**The Acting Speaker:** Questions or comments?

**Mr Bisson:** I'll comment a little bit further later when I get my opportunity to speak to this bill. I just want to remind people where we're at. It was raised by a number of members in the official opposition caucus. That is simply that the government has started a process of downloading. They went to ads across Ontario. They said to northern Ontario communities, "We're going to transfer a whole bunch of services down to municipalities," and we'll list those later, when we get into debate, but including things like daycare and housing and welfare and other services.

The problem was that in northern Ontario there is no county and no district government structure. So to download those services on to northern Ontario, just to the local level of government, would have created a whole bunch of duplication of administration that quite frankly wouldn't have been accepted by northerners. The government's response at first was to introduce DSSABs, the district social services boards, to administer these services. We in the NDP said, "That's not acceptable; we don't like the structures of the DSSABs," for reasons I'll talk about later in the debate itself. "We need to have something that's different, something that enables municipalities to find solutions that are specific to them." That's why the government brought the ASB legislation back this fall, because northern municipalities managed to get the government to listen to them to a certain extent, to bring forward this legislation.

We have a number of amendments that were proposed at second reading to the bill. Most of the amendments that we in the NDP caucus had put forward were accepted by the government, and we thank them for that. To me, the real test is going to be: Will the provincial government actually allow municipalities which put forward a plan the ability to form an ASB? That's the question I want to raise later when we get into debate, because I'm beginning to wonder, as we get late into the process of DSSABs, if the government is going to be willing to listen to any ASB proposals.

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**Mr John O'Toole (Durham East):** I'm very pleased to comment on the points made by the Liberal opposition party today. As you know, the member for Durham-York was co-chair of the general government committee. She chaired all of the hearings that were conducted in Timmins, Kenora, Thunder Bay and, I think it was, Sudbury or Sault Ste Marie. As Chair of that committee, I know just how hard the member for Cochrane South made a number of very important points about the legislation and how it addresses the issues he's addressed in his comments, more specifically the French-language services component in the north of Ontario.

I just wanted to dwell on — there were a couple of points during the discussion when quorum was called. I don't know if it's appropriate or not, but there were only three and a half Liberals and, I believe, three NDP members in the House at the time. Of course, three and a half could be explained because one of the members has perhaps belonged to more than one caucus. We're not sure exactly which caucus he is in at this time.

The member for Timiskaming in his comments mentioned that he was not in support of this bill. I thought Bill 12 was a very important agreement among all three parties, respectfully to the north, and I learned a great deal chairing those hearings. I believed there was unanimous consent or endorsement of that report which I presented to the House a week or so ago. Of course it's very difficult to reach consensus when people want to make a very specific cry for a very specific area. I think we all work very hard in that committee for all of the people of Ontario and, to respect the people in northern Ontario, indeed the delivery of services is different.

**Mr Alvin Curling (Scarborough North):** Let me just continue where the honourable member from the government side has talked about respecting the individuals from the north. We in the Liberal Party, Mr Speaker, and you know this very well, have one of the best representations in the northern part of Ontario. These individuals have represented the constituencies with such remarkable knowledge and insight and sensitivity, and that is why they feel very strongly about Bill 12. They feel, very much so, that this amalgamation is being forced upon them. They understand that. They understand that the services must be delivered in a very sensitive way. It cannot be done the way it is in Toronto. It's a different place in the north. This is the emphasis that the northern members have placed before this government.

This government, which has refused to consult in any way — because consultation means getting in touch with the concerns of the individuals upon whom most of these issues and policies will have impact. Without proper consultation, you cannot have proper policies. But again, our members in the northern area, who have told them over and over again that this downloading exercise not only will not deal effectively with the financial situation in the north, but the burden of all those new services — the vast mass of land that is there has to be dealt with in a completely different manner than down here.

I would appeal to the government members, given that we have this wonderful talent over here representing the north, that they should listen carefully, because the fact is that they are bringing knowledge, some inspiration and some sensitivity about the north. Ignoring that is ignoring the real aspect of what is best for a government.

**Mr Len Wood:** I listened very attentively to the five members from the Liberal caucus bringing forward their comments on Bill 12. As you're aware, and everybody throughout this province is, since Bill 26 there have been a number of forced amalgamations. The megacity in Toronto is one example. There was an attempt to amalgamate some municipalities in northern Ontario, and through court challenges they dropped that. But last year there was a bill sitting in the Legislature, I believe it was Bill 59, which dealt with the same thing that Bill 12 is dealing with right now.

**Mr Bartolucci:** Bill 174.

**Mr Len Wood:** Bill 174. It died on the order paper, and they brought forward Bill 12, which is going to take care of what the Conservative government feels is a megacity merger, where you take 85% of the land mass of northern Ontario and you split it up into different areas. They have their representatives who are going to be out there collecting taxes from unorganized property owners that normally would be sent into the Ministry of Finance and redistributed back.

But with the dumping and downloading that is taking place through OPP services, land ambulances, public health — public health was one of the big areas of concern that came up in northeastern and northwestern Ontario. If you split up responsibility for public health into 10 or 11 areas or regions in northern Ontario, what kind of public health responsibility do you have when you dump this on to the property owners?

There is a concern out there that this is not the best solution for the land mass in northern Ontario, but the government is going to try to push it down everybody's throats.

**The Acting Speaker:** The member for Sudbury, you have two minutes to reply.

**Mr Bartolucci:** I hope everyone in the House understands that this bill is not needed. The reason for this bill is because of the massive downloading the government imposed on all of Ontario, which impacts on northern Ontario the most and in the worst way. Because of this massive downloading, Bill 12 is supposed to cure the ills found in northern Ontario.

The reality is, Bill 12 is going to make northern Ontario not as viable a place as it is and was before this government decided to implement its massive downloading. The reality is, northern Ontario municipalities did not ask for Bill 12. The reality is, underserved areas, unorganized areas, small municipalities know that the effects of Bill 12 are going to be very negative to them in the form of dollars they're now going to have to pay for the implementation of Bill 12.

I would suggest that the members in this House should be very concerned about what effects Bill 12 is going to



have on the residents of northern Ontario, especially those residents who will not have an honest, fair representation on the area services board, and the reality is that they've heard repeatedly from presenters that there is an unfairness attached to Bill 12 in representation.

I only want to make one comment about the member for Durham East in his two minutes. I'm glad he didn't spend time talking about his northern development and mines minister who didn't grace any of these hearings with his appearance.

**The Acting Speaker:** Further debate?

**Mr Bisson:** I want to, first of all, say at the outset that our caucus will be supporting this legislation. I would also ask for unanimous consent to allow us to split our time in our caucus between myself and a few other members of our caucus.

**The Acting Speaker:** Agreed? Agreed.

**Mr Bisson:** Thank you very much, Mr Speaker. I want to say at the outset that we in the New Democratic Party caucus are taking a different approach to this bill than has just been put forward by the Liberal Party. I respect their position. They have their convictions or their beliefs, whatever they might be. I might agree or disagree.

**Hon Noble Villeneuve (Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs):** You're giving them credit for nothing.

**Mr Bisson:** I'm being told by the minister opposite I'm giving them credit for nothing, but those weren't my words.

I think we're in a situation here where we need to make some decisions in opposition. Let's be very clear what this bill is about and why it's here. The government has decided by way of policy to transfer a number of services on to municipalities that used to be provided by the government of Ontario, those services having to do with welfare, daycare, housing and a whole bunch of services which I'll name later.

I personally in our caucus oppose the direction the government is taking vis-à-vis the downloading of services. I don't believe for one second that downloading housing as a municipal responsibility is in any way, shape or form going to make that system more efficient. Neither in my view will that enable us to have policies that are conducive to policies that apply across the province so that if you live in Toronto or you live in Manitouwadge or you live in Hearst, you have an ability to benefit from what is a provincial policy —

**Interjection:** Or Kapuskasing.

**Mr Bisson:** Or Kapuskasing.

By downloading services on to municipalities and giving them the responsibility, it means the same municipal governments are going to be making decisions that will in effect over a period of time make for different policies when it comes to certain programs from region to region within the province.

Initially, the government is going to say, "That's not the case. We're going to establish provincial standards and everything will be wonderful," but you know and I know if the municipal governments are made to pay for a

service and made to deliver a service and they're not getting the dollars from the province, they're going to do what the provinces are doing to the federal government when the Liberal government dumps its responsibility on to the provincial government. That is, they will go to the provincial government and they will say to the Premier of the day, "Listen, you're not paying for this any more. We want more say," and over a period of time municipalities will go out and they will get greater say with those services and we will end up with services that are less functional from a provincial policy standpoint.

That being said, and saying clearly at the beginning of this debate that I oppose the downloading agenda of the Harris government, I have to deal with it. I'm an elected representative from the riding of Cochrane South and my job is to come here and to try to advocate on behalf of the people who are from my community. What is happening in this case is that the government is saying: "Mr Bisson, if you like downloading or don't like downloading, that's not your decision, that's ours. We have a majority, the Tory majority in this House, and we're going to do it."

How do I respond as an opposition politician? I could, as the Liberal caucus has done, say: "I oppose it. That's it. I can't do anything about it. I'm just going to oppose the bill and I'll be seen as being an opposition person and a voice against what the government's doing." Sometimes that may be necessary, but I think in this particular debate we have an opportunity through this bill to try to make it a little bit better for northern municipalities. This bill may not be perfect. Lord knows, no bill that has ever been passed in this Legislature under any government has been perfect —

**Mr Pouliot:** Especially this one.

**Mr Bisson:** Especially this one.

The point is that this bill goes a long way to being able to fix some of the problems that the government is finding are being created as we download services on to municipalities.

To be clear, I oppose the downloading agenda. I think it is wrong. If given the opportunity to govern, that's something I think we need to go back and look at: what should properly be done by the province and what should properly be done by the municipalities. I don't believe that this wholesale transferring of services in the long run is going to benefit Ontarians, I think it'll hurt, but the government has made a decision and I have to deal with that.

I can sit here and I can oppose all I want, but do you know what? I'll be spinning in the wind. The reality is, Harris has a majority in this House. He is going to decide what policy initiatives he's going to take. In this case he says, "I'm downloading," so as the local representative I've got to deal with that. What we did was simply this: We listened to what people in our communities had to say across northern Ontario, and what people said was, "We don't like the downloading agenda" — municipal politicians, by and large. "We need to find some kind of solution that allows us to deal with how we deliver these services in as efficient a manner as possible so that we're not

downloading individually into each municipality a duplication of administration when it comes to all these services."

The initial response by the provincial government was to create what are called DSSABs. You get into these debates and these politicians, you know, are all the same, right? DSSABs, ASBs, all kinds of acronyms about everything. Let's just keep it really simple: When the government downloaded its initial services on to the services of the municipalities, they had to figure out a way to create in northern Ontario some sort of regional or county government structure so that when those services are into the north they're administered not in each and every individual municipality but in some sort of a governance structure that is larger than what exists now.

The problem the government had is very simple: In northern Ontario there are no county or district governments per se other than the city of Sudbury. So the government had to find a way to create structures that allow the delivery of these services to happen. The initial response of the Harris government — we're learning something from the Harris government over a period of time. When they do things, they do things really quickly and a lot of times they mess them up, and that's what their initial response to this was.

They said: "We're going to transfer over initially to the municipalities welfare, child care and public health and we're going to create what are called DSSABs, district social services administration boards, under Minister Ecker, the Ministry of Community and Social Services. We will allow that ministry to create 11 district services boards in northern Ontario that have the ability to deliver these services in the end."

What did we find? Almost everybody in northern Ontario was upset as heck. Municipal politicians were saying, "Hang on a second. You're imposing a solution on us that we think is not workable," for all kinds of reasons having to do with the composition of the new DSSABs, how many municipal representatives would be on them, from what areas, what the services should be, how you're able to purchase services or not purchase services. A whole bunch of issues had not been thought through by the Conservative government of Mike Harris. So the government put forward this district social services boards legislation. They enacted the legislation and they started the process of foisting on to municipal governments this whole DSSAB process.

I've got to tell you, where I come from, people in northeastern Ontario and the Highway 11 corridor between Timmins all the way up to Hearst are mad as hell about the whole DSSAB process. In my area, you've got the city of Timmins, which represents better than 50% of the population in the area, wanting to have a DSSAB formed in a certain way that would give them a majority of control on that board, because they feel they represent, as a municipality, more than 50% of what would be the catchment area of the new DSSAB.

But on the other side, and the side that I'm sympathetic to, you've got the Highway 11 municipalities, which are

Hearst all the way down to Smooth Rock Falls, Cochrane, into the Matheson and Iroquois Falls area, which are saying, "Hey, we are a number of smaller municipalities and we want to have equal control, if not better, to make sure that we have some control in smaller municipalities about how these services will be delivered." Where will the offices be of the various services being delivered? How many staff will there be? What will be the type of services delivered? How will it be organized? Those municipalities have concerns about how that's going to operate.

Under the DSSAB structure, neither the city of Timmins nor the municipalities along Highway 11 are happy with what's going on because it's an imposed solution. The Ministry of Community and Social Services, Minister Ecker, walks in and says: "Bam, here it is. If you don't like it, lump it. I'm going to put a plan in place for you. You're stuck with it and there's nothing you can do about it."

Mayor Power in the city of Timmins and Councillor Bisson and Councillor Laughren and Alderman Battochio and others are mad as heck at the provincial government, and rightfully so, about this whole DSSAB process. On the other side, on Highway 11, if you speak to the mayor of Hearst, Mr Blier, if you speak to the mayor of Kapuskasing, M. Caron, if you speak to the mayor of any municipality along Highway 11, they're mad as heck at this government over the DSSAB process. That's the context in which we find ourselves when we start dealing with Bill 12.

The government started to hear prior to last winter sometime the problems they were getting into with the DSSABs, and we in the NDP, along with the local municipalities, were pressuring the government to try to find some sort of alternative solution. The government came last winter and introduced Bill 174, which is a forerunner of this bill. It died on the order paper and that's why we're back here today with Bill 12. They came in and introduced what was Bill 174, which was grosso modo, as we say, which is basically what Bill 12 is today.

The idea was quite simple. I give the government credit for what it does right at times. They said, "We will create enabling legislation that allows municipalities, if they choose" — and those are the key words — "to form an area services board," which would allow them to decide more or less for themselves to a certain extent what it is and how they're going to structure themselves when it comes to these downloaded services.

#### *Interjection.*

**Mr Bisson:** Well, the unorganized I will get to in a moment, because that's the other part of this bill that I think needs to be spoken to. But grosso modo, what happened is that the government created this legislation that's enabling.

The problem is that if you look at the original draft of the bill, Bill 12 as it was originally drafted, I can tell you there was a whole bunch of problems in the way the government had drafted its initial bill. For example, under subsection 41(1) of the bill, the government said: "If you



municipalities decide to have an ASB, we're going to mandate you to create the six essential services. You will have to deliver child care, assistance under Ontario Works, public health services, social housing, land ambulance and homes for the aged under the Homes for the Aged and Rest Homes Act." Those were three more additional services than what were found originally under the DSSAB. But the big clincher was that, if required to by an order under subsection 41(2), the minister had the ability to say: "Oh, by the way, you're over here because you want to plan to get an ASB with the six core essential services in 41(1). I'm going to impose on you some of these other services that I have listed in the bill."

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Those services were economic development offices across the area of the ASB; airport services — for example, in my area I can think of five municipal airports, one of them about to be a municipal airport in Timmins, that could have been transferred to the ASB without even a request from the ASB itself; land use planning, in other words, where you go to get your building permits and other things; administrative functions under the Provincial Offences Act, the whole issue of local tickets by police; waste management, garbage pickup, all those kinds of things; police services under the Police Services Act could have been transferred to the ASB; emergency preparedness under the Emergency Planning Act; roads and bridges.

Mr Speaker, along Highway 11, do you know how many roads and bridges there are? That one was enough to make the horse choke. We have hundreds of miles of highways in the Highway 11 corridor that would have been within our ASB, and do you know how many bridges, how many miles of highway those were? Technically, the minister could have said: "By the way, you've got this ASB and I just thought I'd throw something in for good measure. Have Highway 11." What municipality would ever have signed on to this Bill 12? They would have said: "Never. You're asking us to buy a pig in a poke. You're saying, 'Take the six services,' but once we have our plan in, we can be forced to accept services that are basically services that we didn't ask for."

Then there was paragraph 41(2)9. I love paragraph 9. It was originally, "Any other service designated by the minister." Wow, was that something. "Do I have a deal for you," would say Chris Hodgson. "Here, use my enabling legislation. Come in, trust me. Come on, come under subsection 41(1) of the bill. Pick these six services. You want a little bit more flexibility when it comes to administration? I'll give it to you, no problem." But all of a sudden, wham, you get all those other services that the minister could decide by way of this bill and there's nothing the municipality could have done.

We in the NDP proposed an amendment, and I've got to give the government credit. They listened to the people of northern Ontario in this particular case, something that's odd for this government at times. But I've got to give credit where credit is due. The parliamentary assistant for northern development did a very good job on this

bill. I've got to give him credit. I think he wrestled his minister and wrestled other people on his committee in order to say, "Listen, guys, this is an important bill for northerners and we need to hear what they're saying here."

They accepted one of our amendments that said, no, a minister cannot download additional services other than the six prescribed in subsection 41(1) of the bill unless the municipalities ask for it. Now under the bill, and we've got to give the government credit, if you go and form an ASB, you'll get those first six services, no question, but you're not going to be forced to take on additional services under subsection 41(2) of the bill. That was a huge amendment and we give the government credit.

There was another amendment that the government accepted that I think was a good amendment, and that was in the area of being able to make alternative arrangements when it comes to the delivery of services. Under the original form of the bill, the ASB itself, the area services board created under Bill 12, would have had to deliver these services. That may not make sense.

For example, in our area, as in most other areas, we have a public health unit that represents and organizes public health for what would be the ASB, the area services board; Matheson, all the way up to Moosonee, and Highway 11 to Hearst, and then fly another 300 miles and you get to Moosonee, because there are no highways there. But that will be for another debate. I think we should push a highway up to Moosonee. That's something I'm in favour of, something I think we need to do. My good friend Mr Pouliot's plan was after Highway 407 to build Highway 408 that would have gone from Hearst all the way up to Moosonee, I'm sure. Anyway, back to the debate. I'm digressing here.

Under the bill, the municipalities would have been forced to deliver public health where you already have a structure that exists and that has its own administration which is very efficient, very lean and does a very good job of delivering public health services within our communities. So it made no sense to us, and neither did it make any sense to most municipalities, to say to the public health: "You're no longer in business. The ASB has to do these services for you."

One of the amendments that the government accepted was our amendment that said, allow the area services board, if it chooses, to say: "We want to keep public health where it is. It's one of our responsibilities and we'll accept it. We will pay the per capita costs and we will levy the money necessary through our tax base to assure ourselves that that money goes to the public health to deliver the mandated programs that they have to do, but allow them to deliver themselves." Because the ASBs have said: "We don't have a medical director of health. We don't have doctors on staff who can head up a health unit such as we need. We don't have the expertise. We don't want to get into that business."

The government accepted that amendment, that I think was a very important amendment, to allow municipalities a little bit more flexibility. For example, in our area, the

area services board, if it was created, could decide to say, "We're going to enter into an arrangement with the public health unit," and allow the public health unit to manage those services for the ASB. When it comes to, let's say, something like welfare, if there was an ASB created, let's say, for Highway 11 and none for the city of Timmins, they could enter into an arrangement between the city of Timmins and the ASB to deliver welfare, because there are some very unique situations in welfare alone that are a huge source of contention on the DSSAB boards themselves.

Just to put it quickly, because I don't have a lot of time, because the geography is so much larger along Highway 11 as compared to the area in the city of Timmins, the staffing ratios per client — I think there's about a 100-per-client difference in ratio between client and service deliverers as compared to the city of Timmins. There are some good reasons for that. The DSSAB legislation would sort of force them to go the way of standardizing everything across the new DSSAB, which would mean for the people on Highway 11 that they may end up getting fewer services and then they end up having to pay more money as compared to the city of Timmins.

That's what the initial consultant's report found under the DSSAB, that the welfare costs for the city of Timmins would go down. At the other end, the welfare costs for the other municipalities along Highway 11 would go up. That's not fair. That's the fight that's going on at the DSSAB process. Not only that, the services may change from what they're now getting in the Highway 11 corridor.

We saw this bill as the ability to try to fix that, to say that if the municipalities choose, they may want to enter into an arrangement with the city of Timmins to co-manage some sort of service that takes into account the differences between the city of Timmins and the Highway 11 corridor ASB. I'm going to come back to this point in a second because, for our area, it's a very important point. That is, we have asked the Minister of Northern Development and Mines and we have asked the committee to allow the municipalities in our area to create their own area services board along Highway 11, excluding the city of Timmins, and allow the area services board itself on Highway 11 to determine how best to deliver those services that are downloaded, possibly with arrangements with the city of Timmins where it makes sense and not where it doesn't.

When it comes to public health, I would think that the area services board along Highway 11 would probably decide to utilize a public health unit. To me, that seemed like an option that was far better than what is being proposed under the current DSSAB legislation that we're now having to go through.

To digress one second, because I think this needs to be said, the municipality of the city of Timmins and the Highway 11 group, led by J.C. Caron, the mayor of Hearst, sent a letter to Minister Ecker saying: "Would you allow us to form two separate DSSABs, one for the city of Timmins and one for the Highway 11 corridor?" The

minister came back and said no. That didn't surprise me, because I expected the minister to say that.

That's the reason that I and my colleague Len Wood have asked the Minister of Northern Development and Mines, once this legislation passes, to allow the municipalities in our area along Highway 11 to form their own area services board, to allow them to determine how to deliver services, to partner with the city of Timmins where necessary, but leave the city of Timmins outside the area services board, because there are very huge differences between the needs of the city of Timmins and the needs of the Highway 11 people. I think you need to respect that, and that's something that we've asked for. I look forward to a positive response from the Minister of Northern Development and Mines to that particular proposal and will be following up on that in the next couple of weeks, for sure, further to the letter and the request that we made to him about a week and a half ago.

The other amendment that we got that is very important, c'est l'amendement qui traite la question des services en français. On sait que dès le début ce gouvernement, temps après temps, quand ça vient au déstasse des services aux municipalités, n'a pas accepté que les services doivent être transférés avec la protection de la Loi 8.

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On sait que les années passées, sous un autre gouvernement, le gouvernement de M. Peterson, on a adopté une loi ici en Ontario appelée la Loi 8, Loi sur les services en français. Comme vous le savez, monsieur le Président, parce que vous étiez ici à ce temps-là, quand on a eu ce débat et on a eu le vote sur cette loi, tous les députés de la Chambre, libéraux, NPD et conservateurs, avec Mike Harris dans le temps, ont accepté la Loi 8 comme principe de la province de l'Ontario qui dit: «N'importe quel service donné par la province dans une région désignée, tant de pourcentage de francophones dans cette région, on va s'assurer que le gouvernement provincial donne ces services en français.» Si on était francophone et qu'on allait avoir son permis de conduire, ou si on a besoin des services à l'hôpital ou n'importe quel service donné par la province, on peut avoir ce service en français.

On a fait pas mal vite des pas et on a été capable d'augmenter les services en français pour les francophones. On a trouvé, en 1995, que la plupart des services dans ces régions désignées ont été donnés en français. Il y a toujours eu de petits problèmes, mais pour la plupart ça a marché pas trop mal. Mais ce gouvernement, quand ils ont transféré ces services aux municipalités dans toutes sortes d'autres projets de loi, dans la Loi 108, par exemple, sur les services juridiques, on a vu que le gouvernement n'a pas accepté de garantir les droits linguistiques aux francophones — en d'autres mots, quand le service est transféré à une municipalité, que les services en français soient respectés sous la Loi 8 et les garanties de la Loi 8 soient transférées avec le service.

Après seulement un an de débats dans cette Chambre, et la lutte que moi et mon caucus NPD y avons mis auprès du gouvernement, le gouvernement a finalement accepté un amendement à la Loi 108 qui protège, dans mon



opinion, de façon minime les services en français pour les francophones dans les services transférés à travers les services juridiques. Le gouvernement a accepté un amendement avec l'AJEFO que je pense n'être pas assez clair, mais tout de même ils ont fait quelque chose un peu plus positif comparé au commencement.

Quant à tous les autres services jusqu'à date, quand le gouvernement a transféré les services aux municipalités, on n'a pas donné de garantie législative. Je regarde le ministre délégué aux Affaires francophones, qui est ici aujourd'hui, et je veux lui donner un message : que son gouvernement est le premier à dire que l'on ne transfère pas ces services avec les autres services transférés. On a travaillé trop fort comme francophones, M. Villeneuve, comme vous le savez. Vous êtes francophone et fier de l'être, j'en suis sûr, comme tout francophone, et il est très important que l'on garde ces garanties législatives qui nous ont été donné. Ce qui est arrivé c'est que, quand le gouvernement a présenté le projet de loi 12, il n'y a pas eu de clause qui disait qu'aucun service transféré à travers la loi 12 aux municipalités dans les régions désignées allait être couvert sous la Loi sur les services en français.

Nous, les NPD, avons proposé un amendement que l'on a emmené au comité. On a fait le débat pour la plupart d'une journée ou deux, je ne me rappelle pas exactement, où moi et mon collègue M. Blain Morin, nouvel élu de Nickel Belt, avons poussé très fort M. Spina jusqu'au point où M. Spina et le restant du comité étaient pas mal écoeurés de m'entendre parler. Mais finalement le gouvernement a dit, «Écoute, on n'est pas prêt à vous donner un amendement dans la législation, mais on est prêt à vous donner une lettre qui dit que l'on va protéger les services une fois que les ententes seront signées avec les municipalités.»

Je veux dire très clairement que ce n'est pas la manière de laquelle je préfère faire les affaires. Je pense qu'une garantie législative premièrement est plus pratique, et deuxièmement, c'est plus concret. Il n'y a pas question, avec une garantie législative, qu'un gouvernement de n'importe quel parti peut aller rechercher ou ôter des services que les francophones ont déjà dans leur communauté. Mais le gouvernement, après l'ouvrage que moi et M. Morin avons fait au comité, a dit, «On vous donne cette lettre signée par M. Hodgson, qui va être le ministre responsable de signer toutes ces ententes une fois que les services seront transférés aux municipalités.» Le ministre nous dit tout simplement dans cette lettre :

«D'une façon semblable, j'ai l'intention de maintenir les services bilingues. Lorsque les circonstances l'imposent au moyen de l'arrêt de l'établissement des régies régionales des services publics, l'arrêt» — ça veut dire l'entente — «du ministre couvrirait les services en français au fur et à mesure que l'on évalue chaque programme conformément avec la politique provinciale. Évidemment» — et c'est ça l'important — «une considération particulière serait de mise dans le milieu où la population recevait déjà des services en français en vertu de la Loi sur les services en français.» On parle de la Loi 8. «Nous nous assurons, au moyen de l'arrêt du

ministre, que les services fournis à la collectivité francophone avant la formation des régies régionales continuent.»

Ça, c'est du moins quelque chose. On a un ministre qui nous le dit à la Chambre, et un assistant parlementaire qui le répète à beaucoup de reprises au comité, et on a la lettre du ministre qu'on va garder pour nous assurer, qui dit qu'à n'importe quel moment que les services seront transférés aux municipalités, le ministre va s'assurer que si ces services-là sont en français, désignés sous la Loi 8, une fois transférés aux municipalités à travers la régie régionale qu'on va créer à travers ce projet de loi, il va s'assurer que les services en français seront respectés. En d'autres mots, si une municipalité ne garantit pas les services aux francophones, «no deal». Rien ne se passe. L'entente ne va pas être signée. Il va exiger que ces services-là soient protégés.

Je veux seulement dire deux choses sur ce point. Comme j'ai dit, ce n'est pas mon approche préférée. J'aimerais mieux avoir une entente dans la loi qui nous donne quelque chose de concret, mais c'est du moins quelque chose.

Une affaire que j'ai apprise est que des fois on apprend des leçons politiques et ça prend longtemps, hein ? On sait tout en tant que politicien. J'ai appris des fois qu'on peut pousser tellement loin, mais quand on a une manière de victoire, des fois il faut faire ces pas vers cette victoire-là pour avoir quelque chose qui est pur. La réponse pure est de protéger les services à travers la loi, mais dans ce cas-ci, le gouvernement nous a donné du moins quelque chose. On va survivre pour avoir la bataille un autre jour. Ça va prendre un autre gouvernement, je pense, un gouvernement NPD, qui va revenir à l'Assemblée pour nous assurer que les droits des francophones sont respectés dans la loi.

Sur ce point, comme on le sait, monsieur le Président, parce que vous avez été approché, ainsi que M. Villeneuve, notre ministre, il y a beaucoup de francophones dans la province qui trouvent qu'il est temps que l'Ontario se déclare officiellement bilingue. Une des raisons pour lesquelles les francophones dans la province commencent à parler comme ça, c'est qu'ils commencent à avoir de plus en plus peur qu'avec les actions du gouvernement Harris, les droits des francophones commencent à être érodés.

On voit l'hôpital Montfort. On voit ce qui est arrivé à travers la loi 12. On voit beaucoup à travers d'autres entreprises du gouvernement provincial, la gestion scolaire — monsieur le député, je vous donne le crédit où c'est dû, mais sur beaucoup d'autres planches, votre gouvernement l'a vraiment échappé belle et vous avez érodé les services aux francophones dans la province. Vous n'êtes pas capable de dire autrement.

Dans le passé, avant que vous soyez venus —

*Interjections.*

**M. Bisson :** On voit un ministre qui n'aime pas ça. La vérité fait mal, mais la vérité, c'est que le gouvernement a commencé à prendre des pas en arrière quand ça vient aux services en français pour les francophones. C'est pour ça que notre parti est d'accord avec Opération Constitution,

parrainée par M<sup>me</sup> Lalonde et autres, M. Cousineau, qui demande à l'Assemblée législative d'adopter une motion qui demanderait au gouvernement fédéral de faire des amendements à notre constitution pour faire comme au Nouveau-Brunswick et s'assurer que l'Ontario devienne une province officiellement bilingue. Je suis fier, comme néo-démocrate, de dire que notre caucus et notre chef — il est le seul des chefs qui ont été approchés; ni M. McGuinty ni M. Harris n'a accepté cette proposition. Il n'y a que notre parti qui est carrément en arrière de cette proposition, et nous, on pense que c'est à peu près le temps.

Je veux mettre sur le record que je suis convaincu que n'importe quel gouvernement qui est là, si on n'a pas ces protections dans la constitution, il est trop facile de prendre des pas en arrière. Il y a beaucoup de fois que les gouvernements de toutes couleurs ont un peu peur de prendre l'avant sur certains dossiers comme les droits linguistiques. Je pense que c'est à peu près temps qu'on donne les garanties constitutionnelles dont on a besoin, et je suis fier de dire, comme néo-démocrate, que c'est notre parti qui prend cette position. On vous assure, comme gouvernement, qu'une des affaires que nous sommes intéressés de faire, c'est d'adopter une motion ici dans la Chambre — si on a une majorité, on pourra la passer — qui dira au gouvernement fédéral qu'on veut faire un amendement à la constitution pareil au Nouveau-Brunswick pour nous assurer que l'Ontario deviendra officiellement bilingue.

I also want to raise one other issue that I think needs to be raised. The member for Algoma raised it earlier when I was at the beginning of my speech, and that's the issue of what this means for the unorganized communities. If there is one part of this bill that I have great difficulty with, it is what it's going to mean to the unorganized communities.

I find myself in a position of having to balance off a number of interests as a legislator, and that's what happens in most situations here. You have to ask yourself a question as a northerner — you have in northern Ontario a number of areas that are unorganized. The government by way of this legislation, in effect putting the unorganized communities inside area service boards or district service boards, whatever the case may be, is going to substantially be raising the taxes paid by those residents. If you presently live in an area that is within a district services board, your new district services board, within a couple of years of forming that board, is going to charge you the same level of taxation that people are paying within the organized communities.

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I know for some municipalities that is a very popular thing. I know M. Caron in Kapuskasing is in favour of that, I know Mayor Power and others are in favour of that, because they feel, from their side of the argument, that people who live in unorganized communities don't pay the taxes but they come into the community to utilize the services. I take an opposite view. I disagree in this case with M. Caron and Mr Power. I believe that people who decide to live in unorganized communities pay enough of a cost to live there and it's a choice that they make.

For example, I grew up in a place called Kamiskotia Lake which used to be outside of the unorganized community of the city of Timmins. We paid to the provincial government a yearly tax in order to have our house built on Kamiskotia Lake. At the time, my parents did not pay municipal taxes. Eventually we were annexed by the city of Timmins and we paid the level of taxes as you do within the city of Timmins.

But what do you get in return? There was no garbage pickup until about 15 years ago and the garbage pickup you do get is not what you would normally expect to see within the city of Timmins. There's no water and sewer system. If you want water and sewer, you provide your own. In some cases that's tens of thousands of dollars. The snow removal is not to the same level that you would see within the city of Timmins. It used to be fantastic for Kamiskotia when it used to be a provincial highway, but the government has seen fit to transfer that over to a municipal road and we're not getting the type of snow removal that we used to get under the responsibility of the province of Ontario. And the list goes on.

I think people who live in unorganized communities understand that, yes, they'll pay less municipal taxes for going there, but that's offset by the services that they don't receive by living in unorganized communities. If you want to go to a skating rink, it's a question of half a tank of gas to get into town to do what you've got to do. You just don't pick up the vehicle and run into town all of a sudden to participate in community events. It's much more difficult. You don't have the level of services within the unorganized communities and that's why we never got charged a municipal level of taxation.

I think one of the things that's going to hurt for the unorganized communities is that you're stuck with the DSSAB, so there's nothing we could do through the ASBs to fix that problem. The government will, through the district social services board, charge you a municipal tax for those services under the legislation brought by Ecker, so we know that's the case. This particular bill doesn't make better and doesn't make worse that situation; it just carries on what is I think a bad policy by the provincial government. I wanted to put that on the record.

I want to get back again to what this means for the people of my community and I want to be really clear about this. I said at the outset of my speech that when you're elected to the Legislature you come here and you do the best you can given what you have before you at the time. The decision I had as a legislator for Cochrane South was a very simple one. The government has decided to download services to municipalities. They are downloading a number of services that I listed earlier: welfare, ambulances, daycare, housing, and the list goes on. I don't like that. I am opposed to that. I think that's a step in the wrong direction. But the question I have to ask myself is, if the government is going to transfer those services and I lose the battle as an opposition politician to stop the download, where do I go from here? I've got to try to find a way, as the local representative, to make the best possible deal I can in the legislation for the communities I represent. That's why I was elected.



In this particular case, when we saw Bill 12, we said, "We have an opportunity to amend the legislation to try to make it better for our local municipalities." So we proposed a number of amendments that I talked about earlier. I just listed three of them but, by and large, those were the three stumbling blocks that would keep me from voting for this bill. Because of the public hearings, the government finally went out to committee — Mr Speaker, can you believe it? — and they listened for a change. They came back and said: "We've been impressed. People of northern Ontario have spoken."

I went to that committee, along with Blain Morin and Len Wood, and we put forward arguments as best we could to the government, and the government committee eventually said: "Yes, OK, those are reasonable amendments. We'll accept them." So what do I do at that point? It would be hypocritical on my part to say, "You've accepted my amendment; now let me vote against it." That would be a very dishonest position for me to take.

I went into that committee saying to myself, "If the government moves forward on these three issues, I'm prepared to support the legislation and I'll make that recommendation to my caucus," and the government did it, so we got the best deal we could for our municipalities. We're not happy as far as the downloading; we'd rather not see that happen. We're not happy when it comes to the unorganized communities; we'd rather not see that happen. I can tell you, those would not happen under an NDP government, but this government has made a decision, and we have to find a way to make it as plausible or acceptable as we can to municipalities in how they're going to deal with these services.

We have taken a position that is very different from the Liberal Party's. The Liberal Party is saying, "Oppose, oppose, oppose," and I think in opposition at times we have to oppose if it's philosophically in the opposite direction. For example, your government took away labour rights through Bill 7. Darned right I'll oppose that, and I'll oppose it as long as I can and as strongly as I can, because ideologically it goes in the opposite direction to what the New Democrats believe in.

But in this particular case we know the downloading is going to happen. It's a question of saying: "We got some amendments. It makes it a little bit better. It gives an opportunity to municipal politicians locally to find their own solutions. We will support the legislation." That's the position New Democrats are taking. We believe it's incumbent upon us as New Democrats not just to oppose what the government does; when we're disagreeing with them on major ideological battles, yes, to have that political fight, but where we think we can get amendments to make it better, it's our job to go out there and do that, and I think that's what has happened in this case.

I want to say to members on the opposite side of the House, please learn by this process. I know that in government, because I was there, you tend to think, especially if you're a first-time politician, that the opposition is only playing games on this side of the House. None of us play games, your side of the House or mine.

Yes, we're politicians; yes, we politicize the debate; yes, we have very strong positions, be it on the Conservative side of the House or the NDP side of the House. You believe in weaker labour laws; to the core of your soul you believe in that. I don't believe in that. Yes, we are going to have fights politically on those issues, but never sell short the integrity of members in this House to do what is right for their communities. We do what we think is right, as best we can. As we say en français, nous prêchons pour nos paroisses, and that's exactly what we've done in this particular case.

I want to say a couple of things to the government in the five minutes that I have left, because my good friend Mr Pouliot, the member for Nipigon, has some issues that he wants to put on the record, and as always, he will eloquently put those on the record and he will tell us what he thinks of this legislation.

The first thing is that I have no doubt this legislation will pass third reading. The government will vote in favour of the legislation, the NDP will vote in favour of the legislation and the Liberals will vote against. The math is really simple; this bill is going to pass. But I ask the government to make darned sure you proclaim the bill. I'm beginning to wonder if the government intends to proclaim the bill — I certainly hope you do — so I'm going to take a positive approach. I'm not going to say I'm not voting for this because you won't proclaim it; I'm going to say I'll give you the benefit of the doubt. I have to believe that if the government introduces a bill and the government allows it to come to third reading for final passage, you will proclaim the legislation. That's the first thing I ask you: Make sure to proclaim the legislation. And you know what? Don't wait until January 1. It is imperative that you proclaim this bill early enough to allow municipalities to utilize the rules under the area services boards to be able to go out and find their own solutions to what is a very difficult situation when it comes to downloading: How are they going to organize those services?

The second thing I want to say to the government is very simply this: Minister of Northern Development and Mines, when the cities or municipalities in the northern part of the province come to you and say, "We have a plan to form an area services board; we have structured something, maybe not in total detail, but at least so you know where we're going," accept the proposals by the municipalities. I worry that in the end the municipalities will not be able to get a clear enough response from the minister to allow them to go forward with an area services plan. So I say to the people in the Highway 11 corridor, Highway 11, Cochrane North and Cochrane South, please allow the municipalities the options of utilizing this bill.

The key component for us in my area is to allow Highway 11 municipalities from Matheson to Hearst to form their own area services board that excludes the city of Timmins, and then allow Highway 11 to decide how they want to deliver their services. They may very well choose that they want to deliver those services, when it comes to public health, through the public health unit in a partnership with the city of Timmins. They may decide in

the end to run land ambulance services together because in the amendments in this legislation we have allowed them to make those arrangements. If you allowed the amendments, allow the municipalities to use those amendments.

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I say to the Minister of Northern Development and Mines, I've given you a letter on behalf of my colleague the member for Cochrane North, Mr Len Wood, and myself that says, "Municipalities, once this bill is passed, are going to be asking you for a general OK about their ability to form a Highway 11 ASB and please allow them to do so."

They will not come to you initially with the fine-tuned final results of what their ASB looks like. They will just ask you the basic question, "Will you allow us to form a Highway 11 ASB?" understanding that they're going to have to take the services under section 41 of the bill, which are the six services, and then get back to them and say: "Yes, we can live with the concept. Come back with a further proposal that refines that and defines that to a greater extent." Then that will give them the green light to go out and organize themselves and spend the money they need to spend to build what will be a final proposal they will bring to the Minister of Northern Development and Mines. But they won't do that if you don't allow them to get past base one, because otherwise they'll be stuck with a DSSAB.

I've got to tell you, the question of DSSABs is totally unacceptable to the people of northern Ontario. That's why my caucus voted against that legislation, and if I had to do it again, I would vote against it because I thought that legislation was too restrictive. At least with Bill 12 we have given some ability to the municipalities in this piece of legislation to organize themselves in a way that's a little bit more flexible.

I ask the minister to make sure he tells the municipalities straight out, "Yes, I'm prepared to accept or not accept a Highway 11 ASB that excludes the city of Timmins." If he does that, they will then go back and work on an ASB proposal at the same time they work out their DSSAB arrangements and by January 1 or shortly thereafter allow them to go into an ASB arrangement. Maybe give them a month or two extra that they'll need to do this. It's not the end of the world. The province has survived up to now without DSSABs, so it's not going to come to the end of the world by January 1. That's what I would ask you to do on that particular thing.

I say this to the parliamentary assistant because I think this is important: The parliamentary assistant said that he's giving northerners the tools to build their own solution. Mr Parliamentary Assistant, if you're going to give them the tools, make sure you give them the keys to the tool box. Follow up on what I've told you. You've given them the tools, we've done good work here in this House and we have developed, I think, not bad legislation. It's not perfect but it's at least in the right direction. If you're going to give them the tools and you're going to say that's your position, allow the municipalities to have the key to that tool box so they can say, "In our case we

are forming a Highway 11 corridor ASB that excludes the city of Timmins and we will arrange among ourselves, the city of Timmins and this new ASB, what services they want to deliver conjointly, if that's what they decide to do."

With that, it wraps up my comments on this legislation and I invite my good colleague the member for Lake Nipigon to take the floor, but before he does, I just want to say I know that if there had been a Highway 408, he would have built that highway to Moosonee, I'm sure.

**M. Pouliot :** Monsieur le Président, bonne fin d'après-midi.

Bill 12 speaks mainly to local government. In our special part of Ontario there will be some support. There shall also be some opposition, some opportunities no doubt and some dismissal of opportunities as well. It speaks of voluntary compliance. Our party, when we weighed the benefits of the bill, the opportunities it presented and warned the government about potential shortcomings and perhaps pitfalls, has opted to support the government legislation.

It doesn't take place on a daily basis. We evaluate in a constitutional monarchy. The very structure of this House, the very element of our exercise in democracy demands that the opposition oppose and question the government on legislation. It's our job; it's our duty as parliamentarians.

Vous allez sûrement me permettre, parce que mon collègue et ami M. Bisson l'a mentionné, et je suis tout à fait satisfait de la présence du ministre des Affaires francophones et de l'Agriculture, voici ce qui se présente. Vous avez ici un transfert de responsabilité, de capacité juridique, d'un état, d'un système à un autre. Parmi les plus petites communautés de notre province, nos plus petits villages, souvent ce sont des gens chez qui un système d'égouts ou d'eau courante n'existe pas. On adhère à la fosse septique, on demande peu de services et on en reçoit peu aussi. C'est une mode de vie. C'est la façon dont on a choisi d'y être.

Le ministre nous assure que dans cette transition, dans ces changements, c'est que les services fondamentaux, sûrs d'avoir le droit d'avoir accès aux services en français chez nous, soient garantis, fassent partie de ce projet de loi. Hélas, il ne faut rien prendre pour acquis : la bonne volonté du ministre, la promesse. Vous savez, chez nous, chez les néo-démocrates, gens de bonne volonté, nous voulons bien croire les propos du ministre, lui faire confiance. Mais quand on regarde de plus près, on s'aperçoit que le budget des Affaires francophones au fil des trois derniers ans a été coupé, décimé de plus de 50 %. Avec toute la bonne volonté, avec toutes les promesses, toutes les assurances du ministre, en fin de journée, en fin de compte, est-ce qu'on va pouvoir s'assurer que les services en français y sont maintenus ? C'est un droit fondamental, non un privilège, nous sommes ici chez nous 550 000 Franco-Ontariens. Nous représentons tout près ou un peu plus de 5 % de la population totale de la province. Depuis des décennies on s'est battu pour avoir droit aux services comme les autres. Enfin, au fil des ans, nous avons reçu ces services. Il s'agit maintenant de les maintenir, donc



nous allons regarder attentivement ce qui est écrit sur le papier, sur le projet de loi, et nous allons surveiller.

Nothing will attest to the concern and the need of the community vis-à-vis what is being proposed in Bill 12 better than a very candid presentation by the very special people who occupy the community of Silver Islet. It's a campers' association. The letter is straightforward. It tells of a special way of life.

"Silver Islet is one of the oldest communities in north-western Ontario. It was established in the late 1860s after silver was discovered on a small island about a mile out into Lake Superior. The mine operated until 1883 and at the time was the richest silver mine in the world." Interesting, isn't it? "Most of the camps have been passed down from generation to generation and have been carefully maintained for over a century. While a secondary highway now makes our community easily accessible year-round, our creature comforts," a turn of phrase, "are few. There is no electrical system, no municipal services and no telephone. Even cellular phone service is spotty," sporadic, "in the area."

"...we provide for ourselves and take care of ourselves."

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It goes on to say, "The government's proposal to allow for the creation of area service boards...will have a serious impact on all recreational cottage areas in the northwest...."

"We will of course pay taxes to both the ASB and our municipalities in the communities where we live most of the year and where we receive the vast majority of the services that our society provides."

It was one of the 10 or 11 presentations that we received in Thunder Bay when the committee was travelling. Most expressed some interest in the formation, in the implementation of Bill 12; most expressed some reservation; and all cautioned not to proceed too quickly.

It was this afternoon during question period, representing the township of Marathon, that I had the opportunity to ask the Deputy Premier and Minister of Finance — Marathon is in dire need, as you know.

*Interjection.*

**Mr Pouliot:** Well, not appalled and shocked because that's his job and I must give him credit, must give the government credit. Mr Eves answered to the needs of the people of Marathon. He listened, saw the human dimension, looked at what was happening.

The people here are saying: "If from time to time we hit upon bad times because of the downloading and because of Bill 12, will you be there as our representative? Will you do that? Will you respond to us in the same fashion that you responded to the member for Lake Nipigon speaking on behalf of the constituents?" Nothing else matters. Not only is it good politics, there is a human dimension here. It's the essence of life.

I don't have much else to say. I want to wish the government well. This is not catalytic in terms of bills, but it's hopefully a step forward in better government management and may the opportunities, the positive side, give

the people who are represented under Bill 12 a chance to look to the future with more confidence.

**The Acting Speaker:** Questions or comments?

**Mr Spina:** I am pleased with the comments, or most of the comments certainly, made by — and I want to say merci à mes collègues du troisième parti. I appreciate the comments that they made. I think they understand that, as other legislation in this world is not perfect, this perhaps may not be in their eyes, but at least, as the member for Cochrane South indicated, it's in the right direction.

I just want to make a quick comment that many of the Liberal members harked upon the issue of Big Brother telling you what to do, and the situation exists like that now. Unorganized territories pay provincial land taxes where? To Queen's Park. Decisions are made where? Queen's Park. The whole idea of the exchange of services from the province to the municipalities was to empower those local municipalities to be able to make decisions, to find solutions to local problems.

For years, I grew up in the whole mentality of northerners saying: "We don't want to be told what to do, how to do it and when to do it by Queen's Park. Leave us alone. Let us decide and make our own decisions as to how we want to run our municipalities." This legislation allows them to do that in specifically that way.

**Mrs Lyn McLeod (Fort William):** I wish that what the honourable member has just said was in fact reflective of the whole legislation that's before us. The government would like us to believe, and I believe the members of the third party might like us to believe, that this builds in some element of choice for northern communities to determine what works best for northern communities.

Because I only have a couple of minutes, I'm not going to get into the fact that the original downloading of responsibilities on to the municipalities from the provincial government and the cost of providing services that has been downloaded is not something that was a choice given to northern communities. We know that northern communities have had to absorb a much greater impact of that downloading than anyplace else in the province. There certainly was not an element of choice given to northern communities when it came to accepting the download of services.

The question in this legislation is, how are the downloaded services going to be delivered? Here again, there are unique realities in northern Ontario that make the delivery of service very challenging. We have very large areas of now unorganized territory in which there are very few numbers of people. That's the basic concern for any model that's going to be designed in Queen's Park and laid upon northern communities. So, yes, northerners are saying, "Let us decide for ourselves the best method of organizing to deliver these services."

The bill says that where there is a consensus you can make that choice as a group of communities, but where there is no consensus Big Brother is indeed going to tell you what it's going to look like. In my community there has not been a consensus. There has not been a consensus because a single model will not work. Our communities

have asked this government to amend the legislation so that there can be more than one model within the area to be serviced so that we can develop a workable model. The government has insisted that that isn't possible, that there must be one single delivery model to handle these downloaded services. In my community they're saying that just can't work and therefore this legislation can't be supported because it doesn't give northerners a choice.

**The Acting Speaker:** Further questions or comments? If not, the member for Cochrane North.

**Mr Bisson:** South.

**The Acting Speaker:** Cochrane South.

**Mr Bisson:** Soon to be North as well, called Timmins-James Bay.

Premièrement, je veux remercier l'assistant parlementaire pour ses commentaires. C'était un processus intéressant dans le sens qu'on a eu certains amendements qui sont très importants pour la communauté francophone, mais d'autres amendements qui sont importants pour les communautés du nord.

I want to thank the member for the work he has done on this committee as the parliamentary assistant. I found him informative as far as understanding this legislation. He did his homework and tried to accommodate some of the wishes of the opposition, in this case the third party. I want to thank him for the ability to make those amendments that were so necessary, hopefully to find local solutions in our communities.

You thanked us as the party in third place. I have to say to the member for Brampton North, I remember not too long ago the Conservatives were in third place and are now in first place, so I would think that is still a possibility for the New Democratic Party. If ever I'm the parliamentary assistant or minister, I'll make sure to assist this fine member in the work that he does.

To the member for Fort William, I've got to say you can't have it both ways. The Liberal Party is trying to play both sides of the fence at the same time, on the same issue,

almost every time we deal with legislation in this House. You can't do it both ways. At times you've got to take a position, you've got to make some decision and you have to decide what you're going to do when it comes to advocating for the people of northern Ontario. Just to sit there and criticize, I think, is not responsible when it comes to our responsibility to the opposition.

I say, as in most other issues, we hear the Liberals talk like New Democrats, but in the end they're nothing but a bunch of Tories in Liberal clothing, and the sooner people understand that, the better off we're going to be and we will get back to some real sense in the province of Ontario by electing New Democrats en masse in the next election.

**The Acting Speaker:** Mr Spina has moved third reading of Bill 12.

Is it the pleasure of the House that the motion carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

*Interjections.*

**The Acting Speaker:** A 30-minute bell. You heard me right.

*Interjections.*

**The Acting Speaker:** Pursuant to standing order 28(h), I would like to request that the vote on Bill 12, the Northern Services Improvement Act, be deferred until Wednesday, November 4, 1998.

Thank you for your assistance in this matter. The vote is accordingly deferred.

**Mrs McLeod:** On a point of order, Mr Speaker: Will that be immediately after question period tomorrow?

**The Acting Speaker:** It's deferred until Wednesday, November 4, under deferred votes after question period.

It being 6 o'clock, this House stands adjourned until 6:30.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Algoma-Manitoulin	Brown, Michael A. (L)	Guelph	Elliott, Brenda (PC)
Beaches-Woodbine	Lankin, Frances (ND)	Halton Centre / -Centre	Young, Terence H. (PC)
Brampton North / -Nord	Spina, Joseph (PC)	Halton North / -Nord	Chudleigh, Ted (PC)
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Cambridge	Morin, Gilles E. (L)	Kenora	Miclash, Frank (L)
Carleton	Carroll, Jack (PC)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
	Wood, Len (ND)	Kitchener	Wettlaufer, Wayne (PC)
Carleton East / -Est	Bisson, Gilles (ND)	Kitchener-Wilmot	Leadston, Gary L. (PC)
Chatham-Kent	Cleary, John C. (L)	Lake Nipigon / Lac-Nipigon	Pouliot, Gilles (ND)
Cochrane North / -Nord	<b>Johnson, Hon / L'hon David</b> (PC) Minister of Education and Training / ministre de l'Éducation et de la Formation	Lambton	Beaubien, Marcel (PC)
Cochrane South / -Sud	Silipo, Tony (ND)	Lanark-Renfrew	Jordan, W. Leo (PC)
Cornwall	Castrilli, Annamarie (L)	Lawrence	Cordiano, Joseph (L)
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Dovercourt	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Labour / ministre du Travail	Lincoln	Sheehan, Frank (PC)
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Dufferin-Peel	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Community and Social Services / ministre des Services sociaux et communautaires	London North / -Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Intergovernmental Affairs, minister responsible for women's issues / ministre des Affaires intergouvernementales, ministre déléguée à la Condition féminine
Durham Centre / -Centre	Munro, Julia (PC)	London South / -Sud	Wood, Bob (PC)
Durham East / -Est	Saunderson, William (PC)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
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	Hoy, Pat (L)	Middlesex	DeFaria, Carl (PC)
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Eglinton	Ford, Douglas B. (PC)	Mississauga North / -Nord	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children's Issues) / ministre sans portefeuille (enfance)
Elgin	Kells, Morley (PC)		<b>Sampson, Hon / L'hon Rob</b> (PC) Minister without Portfolio (Privatization) / ministre sans portefeuille (privatisation)
Essex-Kent	Hastings, John (PC)	Mississauga South / -Sud	
Essex South / -Sud	<b>Stockwell, Hon / L'hon Chris</b> (PC) Speaker / Président	Mississauga West / -Ouest	
Etobicoke-Humber	McLeod, Lyn (L)		
Etobicoke-Lakeshore	Marchese, Rosario (ND)	Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	Grimmett, Bill (PC)
Etobicoke-Rexdale	Vankoughnet, Bill (PC)		
Etobicoke West / -Ouest			
Fort William			
Fort York			
Frontenac-Addington			

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Niagara Falls	Maves, Bart (PC)	Sault Ste Marie /	
Niagara South / -Sud	Hudak, Tim (PC)	Sault-Sainte-Marie	Martin, Tony (ND)
Nickel Belt	Morin, Blain K. (NDP)	Scarborough-Agincourt	Phillips, Gerry (L)
Nipissing	<b>Harris, Hon / L'hon Michael D. (PC)</b> Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Scarborough Centre / -Centre	Newman, Dan (PC)
		Scarborough East / -Est	Gilchrist, Steve (PC)
		Scarborough-Ellesmere	Mushinski, Marilyn (PC)
Norfolk	Barrett, Toby (PC)	Scarborough North / -Nord	Curling, Alvin (L)
Northumberland	Galt, Doug (PC)	Scarborough West / -Ouest	Brown, Jim (PC)
Oakville South / -Sud	Carr, Gary (PC)	Simcoe Centre / -Centre	Tascona, Joseph N. (PC)
Oakwood	Colle, Mike (L)	Simcoe East / -Est	McLean, Allan K. (PC)
Oriole	Caplan, David (L)	Simcoe West / -Ouest	<b>Wilson, Hon / L'hon Jim (PC)</b> Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Oshawa	Ouellette, Jerry J. (PC)		
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa East / -Est	Grandmaître, Bernard (L)	Sudbury East / -Est	Martel, Shelley (ND)
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		Wentworth East / -Est	Skarica, Toni (PC)
Perth	Johnson, Bert (PC)	Wentworth North / -Nord	<b>Harnick, Hon / L'hon Charles (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Peterborough	Stewart, R. Gary (PC)	Willowdale	Kwinter, Monte (L)
Port Arthur	Gravelle, Michael (L)		Lessard, Wayne (ND)
Prescott and Russell /			Pupatello, Sandra (L)
Prescott et Russell	Lalonde, Jean-Marc (L)		Duncan, Dwight (L)
Prince Edward-Lennox-		Wilson Heights	<b>Palladini, Hon / L'hon Al (PC)</b> Minister of Economic Development, Trade and Tourism / ministre du Développement économique, du Commerce et du Tourisme
South Hastings /		Windsor-Riverside	Parker, John L. (PC)
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Hastings-Sud		Windsor-Walkerville	Klees, Frank (PC)
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	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique		
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Riverdale			
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		York South / -Sud	
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	Bradley, James J. (L)		
St Catharines	Froese, Tom (PC)		
St Catharines-Brock			
St George-St David	<b>Leach, Hon / L'hon Al (PC)</b> Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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**Assemblée législative  
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Deuxième session, 36<sup>e</sup> législature

**Official Report  
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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 3 November 1998**

**Mardi 3 novembre 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Greffier**  
Claude L. DesRosiers



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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 3 November 1998

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 3 novembre 1998

*The House met at 1832.*

## ORDERS OF THE DAY

### FUEL AND GASOLINE TAX AMENDMENT ACT, 1998

#### LOI DE 1998 MODIFIANT LA LOI DE LA TAXE SUR LES CARBURANTS ET LA LOI DE LA TAXE SUR L'ESSENCE

Mr Grimmett, on behalf of Mr Hodgson, moved second reading of the following bill:

Bill 74, An Act to amend the Fuel Tax Act and the Gasoline Tax Act / Projet de loi 74, Loi modifiant la Loi de la taxe sur les carburants et la Loi de la taxe sur l'essence.

**Mr Tony Martin (Sault Ste Marie):** Madam Speaker, on a point of order: It would be a shame to start without a quorum.

**The Acting Speaker (Mrs Marion Boyd):** Clerk, would you check for a quorum.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** The member for Muskoka-Georgian Bay.

**Mr Bill Grimmett (Muskoka-Georgian Bay):** Before I commence my remarks, I should indicate that I will be sharing my time with the member for Simcoe Centre and the member for Northumberland, who are both experts in the field of fuel tax.

Bill 74 is An Act to amend the Fuel Tax Act and the Gasoline Tax Act. Those people who have followed the budget process closely will know that Bill 74 delivers on our government's commitments made in the 1997 budget and in the 1998 budget. The commitments made in those budgets are worth looking back on. In my research in preparation for speaking tonight, I went back and looked through those budgets to see the references that were made and that now are coming to light in Bill 74.

Back in the 1997 Ontario budget there was reference on page 136, for those people following at home, to the province taking a look "at ways to improve the timeliness

of its cash flows, including tax remittances and flows to transfer payment partners." The reason for that was that in a continuing effort to reduce our deficit situation we wanted to find efficiencies that would "ease cash balance requirements." "Liquid reserve levels" could be lowered as a result of these improvements to cash flow and of course that would lead to "lower public debt interest charges."

Much of the effort made in drafting Bill 74 is aimed at improving the cash flow consequences that come from the fuel taxes that are imposed by the provincial government. As you will note from my comments later, many of the changes we're making are made after consultation with the fuel industry in Ontario and many of the changes that we're bringing in are bringing the Ontario tax collection system in the fuel industry in line with the practice at the federal government level as well. Bill 74, as I said, delivers on a commitment made in the 1997 budget to deal with that.

Then in the 1998 budget it is again referred to in the budget papers, and I'm referring to budget paper C on page 99. On that page it was indicated in the Ontario that we would be taking steps to minimize "red tape for fuel exporters by amending the Fuel Tax Act and the Gasoline Tax Act to remove provisions requiring exporters to give advance notice of their intent to remove motive fuels in bulk from Ontario;" and also amend "the Gasoline Tax Act to implement the 1997 budget initiative to optimize cash flows by bringing tax remittance dates in line with those of the federal Excise Tax Act. Ontario will work with the petroleum industry to implement these changes."

Following the 1998 Ontario budget in May, our government followed up on that commitment, met with the fuel industry people and, following those meetings, we were able to put in place some draft legislation, which is in Bill 74 and which we are debating this evening.

In addition to dealing with the red tape issue, I thought I would deal with the sections of Bill 74 that deal with motive fuels. Most people know that the volume of many liquids generally expands as temperatures rise and it contracts as temperatures fall. The difference in volume is especially noticeable in gasoline and diesel fuels.

Ontario gasoline and fuel sales and taxes are based on volume and the industry measures fuel in two different ways. One way is known as ambient temperature volume. It measures the volume based on the actual weather temperature. The second way corrects for seasonal fluctuations. To accommodate this, the industry has



developed a temperature-adjusted volume measurement standard of 15 degrees Celsius. This has become an international standard. In most cases, the same method of measuring the volume of motive fuel sold is used for both tax and sales purposes. Problems arise when the volume of product sold differs from the volume of product on which the tax is charged.

The real issue we're getting at in this bill is consistency and making sure the industry deals with a level playing field when they collect the tax on fuels they're selling. Bill 74 suggests that, in responding to the industry's concerns, they want to have the same system when they calculate how to assess the tax on the fuel being sold. Bill 74 provides a fairer way to calculate the tax. The industry has asked for legislation to ensure that all members of the industry follow the same rules, so we have done that and we now have one rule that applies at the federal level and at the provincial level.

1840

Another matter that Bill 74 deals with is the issue of special fuel products. I'm sure you're aware that new technology has produced alternate fuels and we continue to look for alternate fuels. Many governments have tried to encourage industry to find alternate ways of providing energy, and Bill 74, in my opinion, will strengthen this. It will encourage the industry to continue to look for and implement the use of alternate fuels.

Several Ontario firms now collect waste oil and refine it into diesel and heating fuel. They market these fuels for bulk distribution to transport companies. That's used for motor vehicles and also by industrial users who have furnaces for heating or manufacturing. As you know, there is continuing research into developing canola and peanut oils into fuels for powering internal combustion engines.

Currently the Fuel Tax Act, which would be amended by Bill 74 if it is passed, defines fuel as "any gas or liquid that may be used for the purpose of generating power by internal combustion," but the current act does not envision producing fuel from anything other than traditional crude oil. As these new threshold businesses develop out there that don't have wholesale customers or terminal sites, they don't meet the act's current rules for collecting and remitting tax and for dyeing fuel that they sell for non-taxable use. Bill 74 responds to industry concerns in that regard and it removes operation barriers for the business to make it easier for those fuels to enter the marketplace.

At the outset, I talked about the concern of cash flow that was mentioned in both the 1997 and 1998 Ontario budgets and I thought I'd make a few remarks about what in Bill 74 would improve the cash-flow situation of the Ontario government.

At present, the province has an imbalance in its cash flows with respect to fuel tax. We pay disbursements during the first half of the month and we receive revenues during the second half of the month. What we try to do to improve our cash flow is bring our revenue times closer to our disbursement times.

The bill deals with the issue of cash flow in several different parts and it requires that the larger operators in

the fuel industry submit their tax revenues at an earlier time in the process. Thus, the province will collect that money at an earlier time and not have to borrow monies as it would have had to do with the later dates that are currently in both the Fuel Tax Act and the Gasoline Tax Act.

With respect to the cash flows, it's expected that this will save as much as \$4 million on an annual basis and thus put the province in a position of not having to borrow those monies. That is again an issue that was raised in the 1997 budget when the finance minister indicated that efforts would be made to improve the cash flows. Similar steps were taken in previous bills that dealt with other tax collection statutes under the provincial government, but the issue of collecting fuel taxes has been dealt with separately and we're now dealing with it in Bill 74.

Now what we'd like to do is perhaps deal also with some of the other issues that are contained in Bill 74. The special fuel products issue is one that I'm sure many people have an interest in. The types of fuels that section is dealing with have to do with the fuels that are produced by the industry and attempts by them to find alternate fuels. The sections that deal with that are there to help those distributors who are currently distributing special products and also to help them with the collection of taxes.

I thought I would also in my comments this evening speak to the issues that were raised by the industry in their discussions with the ministry. The ministry has indicated in the earlier budgets that it would deal with the collection of taxes by the government and to try to make them a higher priority. In order to make them more collectible, Bill 74 would deem that taxes that have been collected by the distributors of fuel in Ontario would be deemed to be held in trust by those companies for the government.

That deeming of the trust provision would support our government's commitment to improve the tax system's fairness and it would also ensure that unremitted taxes are recovered in absolute priority to all debts. It would work together with Bill 74's enhanced garnishment provisions to secure the collection of tax revenues to the greatest extent possible. The proposed amendments in this bill parallel recent changes clarifying the wording of federal income and excise tax legislation and work to strengthen Ontario's claim for recovering unremitted commodity taxes collected under deemed trust provisions. They would ensure that tax revenue losses are minimized and that delinquent collectors, vendors, taxpayers and their secured creditors do not benefit from failures to remit tax at the expense of the province. Similar amendments have been made to Ontario's tobacco and retail sales tax acts with legislation that was passed in the fall of 1997.

Bill 74 also has provisions to make gasoline and fuel tax system collections fairer. One of the items the bill does is that it allows people who have been overassessed on their collections of tax to appeal those decisions for a four-year period rather than a three-year period, as was the case before.

Bill 74 improves the efficiency of the government in processing objections and appeals in the tax collection

process and it speeds up the resolution process as well. The issue of the three- or four-year period for claim refunds for taxes paid in error parallels other provisions in the draft act which change the time period that the government has to reassess or audit the collection procedures of the distributors of fuel, taking that again from a three-year period to a four-year period. It really brings it in line with the assessment and refund period in other provincial tax acts so that there is a general four-year period of assessment and refunds. So we have a consistency there that's been attained through the use of the tax system and through the amendments that are suggested in this bill that would be brought to the fuel tax collection system and those are in line, as I said, with changes brought to other acts, such as the Retail Sales Tax Act and the Tobacco Tax Act, which we brought in in the fall of 1997.

For those people who have been following along, the 1997 budget was the time when we first started talking about these changes and people will recall that was the budget in which the province indicated that we were well ahead of our deficit target at that time. At the time of the 1997 budget we were about \$710 million ahead of our deficit projections, thanks to prudent forecasting and an overachieving Ontario economy. It was in that budget that we also announced we would have a record investment in health care of \$17.8 billion, so I'm pleased to see that in Bill 74 we're following up on the promises we made in the 1997 budget.

In the 1998 budget we provided some more detail of how we would improve the cash flow in the fuel tax area. We also at that time indicated that we would have the final implementation of our government's 30% provincial income tax cut, and we indicated that we were about \$1.4 billion ahead of our deficit reduction plan.

In conclusion, I would like to indicate that I will be supporting Bill 74. I'm looking forward to the debate on this issue and to the remarks of my colleagues, as well as the colleagues across the floor, who I'm sure share my interest in fuel tax reform.

1850

**Mr Joseph N. Tascona (Simcoe Centre):** I'm very pleased to join the debate, following the member for Muskoka-Georgian Bay, with respect to fuel tax reform. As the member for Simcoe Centre, I've been a strong proponent of bringing reform into gasoline pricing, especially in my area of Simcoe Centre where we seem to find the gas prices are much higher than in other areas of the province, for no particular reason other than the fact that we have a very heavy transportation volume through our riding, which is a destination for tourism, and also the pricing seemed to go up on long weekends. That seems to be the pattern.

Gasoline pricing practices of large supplier-retailers continue to be a problem which threatens consumers with unreasonably high prices. Price increases are timed to coincide with long weekends, especially in my riding of Simcoe Centre, which undermines the important role played by independent gas retailers in Ontario. Gasoline

pricing is an issue of common interest to all Canadian consumers, especially ensuring fair competition in the marketplace, which I would say is the responsibility of the federal government under the Competition Act.

It's a fact that you can drive a truck right through that Competition Act, and the federal Liberal government has done nothing to ensure fair gas prices in this country and to make sure there isn't price fixing under the Competition Act. They have done nothing to protect the consumer in this country with respect to gas pricing.

There was a federal report of the Liberal committee on gasoline pricing in Canada called the McTeague report, tabled in June 1998, which concluded that the current Canadian wholesale and retail gasoline market is not truly competitive and that competition has steadily lessened in recent years. The McTeague report recommended that the Competition Act be amended to provide better protection for consumers and that the federal government immediately act to replace the criminal burden of proof model currently used in sections dealing with predatory pricing and price discrimination. It's just a fact that whenever you see a long weekend, all the prices go up the same. There's very little difference between what each retailer is selling their gas for. The consumer is getting gouged because the federal government does nothing.

The need for immediate action on the part of the federal government to restore competition to the gasoline marketplace has been expressed by Ontario consumers to the consumer watchdog commission of MPPs appointed in the spring of 1998 by the Honourable David Tsubouchi, Minister of Consumer and Commercial Relations, and I'm proud to be a member of that consumer watchdog commission.

The federal Competition Bureau is of the opinion that no marketplace problems exist in the gasoline industry which violate the Competition Act as currently drafted, and a private member's bill, C-235, sets out amendments to the Competition Act to address certain of these issues. That's one initiative by a backbencher federal Liberal member which hopefully will be adopted by the government, but we'll have to see what happens in the hearings.

The government of Ontario has called upon the federal government to address this problem of national dimensions by amending the Competition Act to address pricing practices within the gasoline industry and appointing a special investigator to enforce the revised act to ensure that Canadian consumers benefit from competitive and transparent gasoline prices across the country.

I received a letter last week in the *Barrie Examiner*, and it was also in the *Barrie Advance*, from a concerned constituent. The person's name is Aline Revoy, from the city of Barrie. It was an open letter to me:

"Because you are on the task force to monitor gas prices in Ontario, I'd like to ask you to explain the variation in prices from here to Pickering, Orillia or to Toronto for that matter. On Sunday, October 25, driving to Pickering and back, we discovered the price of gas in Barrie, at the Esso or the Shell or Petro was 55.9 cents a litre. In Bradford it was 49.9 cents and in Newmarket it



ranged from 49.9 to 51.9 cents. In Pickering, it was 51.9. Same companies.... Now on October 24 going the other way to Orillia, Barrie was at 55.9 cents and Orillia was at 53.9 cents. On October 26th, it was 55.9 in Barrie, 49.9 at the Esso station south of the King Side Road on the 400 — coming back up the 400, the Petro station sold the gas at 51.5.”

Aline Revoy indicates: “I have a real problem understanding why the price varies so much. It all comes from the same refinery. Distance to travel could not be a factor as it is cheaper in Orillia than Barrie. I am now convinced that the oil companies must think we are particularly wealthy in Barrie. I think not! Please explain.”

That’s a very legitimate question on the part of one of my constituents. I’ll try to respond to that as best I can, knowing full well that the federal government is responsible for the pricing of gasoline in this country and in fact has done nothing to protect the consumer.

What are the components that make up the pump price of a litre of gasoline? There are four major components in the pump price:

First, there’s the price of the crude oil feed stock.

Second, the federal and provincial taxes: 14.7 cents per litre is provincial gasoline tax, 10 cents per litre is federal government excise tax, and then there’s 7% GST, which is included on the posted pump price, which comes out to approximately 3.5 cents per litre. I note that the McTeague report specifically indicated that it was not proper for tax to be put on tax, and that’s exactly what’s happening here. GST is being charged on top of provincial taxes and federal excise taxes, which make up the gas price.

The third component of the pump price of a litre of gasoline is the retail margin required by retailers to cover the costs of running the station and providing a return. These margins vary by size and type of station, but on average are about three cents per litre.

The fourth component is the refining and marketing costs, and margins which represent the costs of refining the crude oil and transporting it, distributing and marketing refined products, including a return on investment. These costs are covered by what is left to the refiner after all the other costs have been covered, for example, crude oil taxes and the dealer margin.

#### 1900

What we’re dealing with here in terms of why there’s a differential in gasoline prices from area to area and what makes up the price of a litre of gasoline is these known factors. What’s happening out there is a gasoline pricing policy which the federal government refuses to regulate. It seems that the prices of gasoline in my riding of Simcoe Centre, and particularly in the city of Barrie, are staying at that level of 55.9 cents, where in other areas even north of Barrie, and in particular south of Barrie, they are much less.

What’s the explanation? I don’t have an explanation other than the fact that it would appear that the oil companies or the supplier of the gasoline to the retail operators are related — they’re the same company — and they

determine that the city of Barrie, obviously because of the high traffic flow and the volume, allows them to make more money because they need to get their gas out of that area, and in fact they get a tremendous amount of volume. It’s good business sense, but it’s to the detriment of the consumers.

What I particularly object to is whenever we get a long weekend — what we experienced this summer, with the exception of only the long weekend in September — all the prices jump between three to seven cents per litre at the gas stations together, and there’s no break for the consumer whatsoever. All the prices are going up because of that long weekend and they’re all going up uniformly. You can call it what you will; that’s predatory pricing. That’s gas fixing and it’s not fair for the consumer. That’s one of the things I am very adamant about. I think the federal government has to take action on that in terms of pricing.

All we can ensure at the provincial level is to keep making the federal government aware that the constituents we represent — and in fact who they represent because they have 101 MPs here — believe that consumers are being gouged by the gasoline prices in this province, which the federal government refuses to intervene in and protect the consumer.

The bill we’re speaking about tonight, Bill 74, which deals with the Fuel Tax Act and the Gasoline Tax Act, obviously is related to what we’re trying to do to protect consumers from gas price volatility. Ontario’s position has always been that ensuring fair competition in the gas marketplace is the responsibility of the federal government under the Competition Act. They are responsible for the pricing. They are responsible for gas price fixing. They are responsible for predatory pricing against the consumer.

In August 1997, Minister Tsubouchi tabled a resolution in the Legislature calling on the federal government to control gasoline pricing problems by amending the Competition Act to address pricing practices within the gasoline industry. The resolution also called for the appointment of a special investigator to enforce a revised Competition Act to ensure consumers benefit from competitive and transparent gasoline prices across the country.

Has the federal government done anything on that? Of course not. They’re not interested in protecting the consumer. But we were pleased to note that MP Dan McTeague, in his gas pricing report which was released June 10 of this year, and many of his Liberal colleagues, notwithstanding the government, are calling on the federal government to strengthen the Competition Act to better protect consumers, which is what Ontario has been calling on Ottawa to do for a long time. A vast majority of the report deals with issues which fall within the federal jurisdiction; gas prices, for example.

We’re going to continue to monitor the price volatility of gasoline on behalf of Ontario consumers, but I also note that there is going to be a ministers’ conference in November and I know Minister Tsubouchi will make the

federal government aware of the feelings of consumers in Ontario with respect to gasoline prices. I hope they'll listen because it's long overdue.

Especially in my area of Simcoe Centre, we not only get a lot of traffic volume coming through the city and into the city, we have a lot of people who commute. We're getting gouged at the gas pump with 55.9 cents, paying much more than other areas. These people have to live and work and they have to use their car to get to their job every day, yet they're being gouged with significantly high prices in comparison to the other parts of the province in the general area, and that's not fair.

We will continue, as I said, to monitor the price volatility and put pressure on the federal government to show that the consumers are not pleased with what's happening. Premier Harris has indicated that if attempts to take action on the national level fail — and we'll know what happens out of this November conference with Minister Tsubouchi and the federal government — Ontario should be prepared to examine options at the provincial level as best we can to protect the consumer, because it's obvious that the federal Liberal government is not interested in protecting consumers.

With respect to the Fuel Tax Act and the Gasoline Tax Act, there are certain components that I would like to address.

The first part is dealing with regulating tax collection and remittance. Ontario is going to harmonize the due dates for gasoline tax with the federal excise tax. As I said earlier, those are the two components which have an impact on the price of a litre of gasoline. There's a federal tax, which is the excise tax, but also the federal government is gouging the consumers by putting the GST on top of that, and there's also the provincial gasoline tax.

The federal excise tax on motive fuel is remitted to the federal government semi-monthly. Tax on transactions during the first half of the month is due at the month end and tax on transactions during the second half of the month is due on the 15th of the following month. At present, gasoline taxes are remitted to the province monthly, on the 21st of the month, for tax on sales during the preceding month. On average, this due date is 13.5 days behind the federal government's due dates.

The 1998 budget stated that the province will improve its cash flow by bringing gasoline tax remittances in line with those of the federal Excise Tax Act. In order to adopt provisions similar to those of the federal government, the minister requires the authority to allow for specific criteria relating to the remittance of tax by certain tax collectors. This amendment provides the authority under Bill 74.

The next area I would like to deal with is the method of measuring motive fuels. The motive fuels industry introduced the temperature-adjusted volume measurement standard of 15 degrees Celsius to correct for the seasonal fluctuations of gasoline and diesel fuel. Volumes of many liquids, especially motive fuels such as gasoline and diesel fuel, expand and contract with changes in the temperature. I'll just repeat that because what we're dealing with here is the gasoline and diesel fuel that is used by the

transportation industry in people's automobiles and in trucks. It's a very significant aspect of our temperature in this province as it affects the consumers and their use of gasoline.

Volume based on weather temperature is referred to as ambient temperature volume. Generally speaking, as temperatures rise volumes expand, and as temperatures fall they contract. This volume measurement difference is especially noticeable with gasoline. In most cases the same method of measuring the volume of motive fuel sold is used both for tax and sales purposes. However, in other instances tax has been collected and a sale made on two different volumes of motive fuel.

To ensure consistency and prevent tax losses, the federal government introduced rules in the 1997 budget requiring that both the tax and product sold be based on the same volume measurement, for example, either ambient volume or the industry standard. Ontario is implementing a similar provision.

The ministry should not be affected because the Gasoline Tax Act and the Fuel Tax Act require that all taxes paid by consumers be remitted.

#### 1910

Greater volumes result in different levels of taxes at certain times of the year, but the real issue is consistency and a level playing field. Problems arise for the industry when sales and taxes are not accounted for on a consistent volume measurement basis. For example, a retailer with ambient pumps may not be able to collect enough tax from consumers in the warmer months to recoup what was charged by the supplier using a temperature-adjusted volume because of a smaller volume measured by ambient pumps.

The ministry is introducing legislation, supported by most of the industry, that calls for consistency in billing for tax and product sales using either volume measurement tool. The federal government has passed similar changes which were announced in its 1997 budget.

The different methods of measuring the volume of gasoline and fuel lead to different methods of collecting tax throughout the oil industry, which may have been reflected in the price of a litre of gasoline or fuel. These new procedures will ensure consistency in the tax collection methods and remove price variances that could be attributed to tax accounting.

The industry has requested that this legislation be introduced to ensure that all members of the industry follow the same rules. The proposed amendment ensures a consistent measurement of motive fuels within the industry for the purposes of collecting tax. This amendment, however, does not sanction the industry practice. It is based on a similar provision introduced in the federal 1997 budget. Without the amendment, the tax collected could continue to vary due to the different temperatures at which the volume of the product on which the tax is collected is measured.

Just to comment further on that, Ontario is harmonizing its due dates for gasoline tax with the federal excise tax. As I stated, that could have a significant impact on



gasoline pricing, which is impacting gas prices, obviously, throughout the province, especially in areas such as Simcoe Centre where our temperature is much different than that in the city of Toronto. The differential in terms of summer temperatures versus winter temperatures is quite significant.

The motive fuel industry introduced a temperature-adjusted volume measurement standard of 15 degrees Celsius to correct for the seasonal fluctuations of gasoline and diesel fuel. Volumes of many liquids, especially motive fuels such as gasoline and diesel fuel, expand and contract with changes in temperature. Volume based on weather temperature is referred to as ambient temperature volume. As I said, generally speaking, as temperatures rise, volumes expand and as temperatures fall, they contract. That volume measurement difference is especially noticeable with gasoline. That's basically the nub of the problem and that's what this act is focusing on. Obviously it's a tax amendment but it's also dealing with fairness for consumers with respect to gasoline.

I just would say in closing, I am very concerned about the federal government's inaction in terms of protecting consumers with respect to gas prices. My riding is getting gouged every weekend, every day. The fact of the matter is, there are no controls with respect to gas pricing because the federal government is doing nothing with respect to predatory pricing, they're doing nothing with respect to gas price fixing and they're basically leaving it at the door of the consumers to suffer every day. I have a lot of consumers in my riding who commute every day and they are getting gouged just because they live in the city of Barrie. The federal government has done nothing.

**Mr Doug Galt (Northumberland):** Thank you very much for the opportunity to speak on Bill 74. Bill 74 is really a budget bill, following from the budget of 1998. It was actually on the order paper a while ago as Bill 173 from the budget of 1997, but when the House was prorogued, Bill 173 was dropped from the order paper. It's good to have it back here and to get this through because it is a very important part of the budget.

Part of the reason to have this in place has to do with optimizing the provincial cash flow. Ending up with over \$100 billion in debt, partly because of the lost decade and the tremendous escalation of the budget and the debt during that decade, there's no question the province is cash-strapped and anything we can do to improve that flow is certainly going to be very beneficial to the people of Ontario.

The bill also talks a lot about the measurement of gas based on 15 degrees Celsius — the member for Simcoe Centre explained that in great detail — and also removing barriers to the marketing of special products such as diesel and heating fuel that's refined from waste oil. Being an environmentalist, I'm really quite enthused about the changes that are going on there. Then, there are just a lot of various administrative updates that are present in this particular bill.

The previous speaker spoke quite a bit about price-fixing and the problem that we have. It's in the court of

the federal government and it's really unfortunate that they wouldn't address this. Who's to know whether they're making a lot of money or gouging or just what's going on when Wednesday evenings, just before a long weekend, the price goes up, and it goes up significantly — five, six, seven cents. If I happen to be in Toronto and I see the price make that great, big leap, I drive back to Port Hope or Cobourg to pick up some gasoline, I pull in and the prices are almost identical there to what they are in Toronto. Why would it go from maybe 49 cents a litre up to 57, 56 cents a litre instantly, almost in the same hour, in that region? You wonder if something isn't going on, if there isn't price-fixing. There does not seem to be an initiative on the part of the federal government to look at this at all.

It's certainly upsetting to a lot of our visitors to this country when they see the price of gas being moved around like that. We already pay enough tax on our gasoline that we don't need that kind of bouncing. For example, the province collects 14.7 cents on a litre, the federal government collects 10 cents gas tax plus the GST, which works out to a little over three cents, approximately 3.5 cents. There's another three-cent markup basically for handling by the local service station, and then there's the cost of the actual gasoline being delivered. You end up with a price of approximately 50 cents or maybe slightly over on a per-litre basis.

We hear a lot from municipalities looking for some of that gas tax to assist with the building of the roads, the infrastructure in their respective communities, and I have some empathy for their concerns. I kind of look at, if we took the gas tax that the province gets and looked after all the roads in Ontario with that, maybe then we could match the feds with what they're taking in once they would look after any roads that they handle in the province of Ontario. To my understanding, they don't look after any roads in Ontario, they just simply tax that 10 cents plus the GST and use it for whatever purpose. I stand to be corrected; it's possible they look after part of the TransCanada, but to my understanding it's all looked after by the province.

Ontario is investing in the infrastructure in this province. Never before have so many dollars been spent on the roads in Ontario, and it's throughout. I well remember the member for Cornwall criticizing our government in the winter of 1995-96 for the potholes on 401 as he drove back and forth. I didn't hear him criticizing last winter, because those potholes have been fixed by this government.

I remember in 1995 listening to the CBC, a cross-Ontario checkup, about potholes in the province. This was 1995. A call came in from the Dryden area and this caller said, "The potholes are so big up here the moose use them to hide from transports." Then a caller came in from Cornwall and said, "If you go to the bottom of one of our potholes, you can actually hear people speaking Chinese." Then the last caller came in from Sarnia and that caller said, "If you want to give the world an enema, you should use one of our potholes." That was the condition of the roads in this province when we took office.

I remember my brother-in-law driving from Sioux Lookout to Dryden, and at 1 o'clock in the morning he hit one of these potholes and ruined two of his tires and two of the rims. That was the kind of pothole that the previous government left in Ontario. I'm really pleased that that road has now been paved, and I'm sure the member for Kenora would be thrilled to see that road. I understand he flies back and forth, but if he were to drive that road, I'm sure he would enjoy the present condition it's in. Not only have we repaired a tremendous number of potholes that were in this country but we're also building safety barriers, like on the 401, with that gasoline tax.

1920

I don't know how many people have been seriously injured or have been killed on the 401 because of crossovers. Certainly a lot of those were happening in the Cobourg-Port Hope area. If you drive east of Toronto, there's a long, straight stretch of the 401 until you get to the community of Port Hope, and then there's a bunch of curves on the 401 as you move through that area. The crossovers on slippery roads in the wintertime became pretty serious and a lot of people were being killed. It could have been addressed by the previous government if they'd put in those centre barriers to prevent crossovers, but I guess they weren't particularly interested in safety on our highways because they really cut back the spending on our infrastructure.

As we talk about tax, one of the interesting situations we've had is over property tax. It's certainly been a very difficult one in Ontario as we designed — and everybody really agreed with the current value assessment that our government announced back in June 1996. Then as we moved along, we came up with various options. Starting in January 1997, there were some eight-year phase-ins. We had many options. Toronto actually took on the 2.5% cap that has worked out very well for the city. This is one area of tax, particularly as it relates to property, that if the municipalities had accepted or had used one of these options, it would have saved grief for so many of our commercial and industrial operators and owners in Ontario. Thank heaven the province came to their rescue with the announcement the Minister of Finance made just a little over a week ago of the 10% cap this year for the commercial and industrial owners. Certainly I've heard a lot of positive comments in my area and I'm sure everyone in the House has heard similar comments in their jurisdictions during this past week or so.

Some of them are getting tax increases of 250%, 300%. I'm sure you're familiar with the Hoselton sculptures, for example. You see them in gift shops all over the country, aluminum birds or Canada geese on a hunk of marble. It doesn't matter what airport you go to, even in the gift shop downstairs, you'll find some of the Hoselton sculptures. They're just a little south of the Big Apple on Percy Street, the southern part referred to as the Big Apple Drive. Their taxes went from \$9,000 to \$38,000. On Monday morning, Gord Hoselton was extremely appreciative when I met him in Cobourg when the Governor General was there. He made a presentation of

one of his sculptures to the Governor General and he was telling me how appreciative he was of this move on the part of our government.

The way it was set up, we wanted to see that the local municipalities had the autonomy. They want to be autonomous, but with the size of some of our municipalities — they have a clerk-treasurer and an assistant clerk-treasurer — you get into this complicated legislation and it's pretty difficult for them to deal with it. I, for one, am very supportive of single-tier municipal governments. That's not saying whether it should be the upper tier converted or the lower tier, but having two tiers in the municipal government I think is far more government than the people of Ontario really need to have.

As we talk about taxes, I found it particularly interesting a week ago Sunday evening, driving into Toronto, when Tony Valeri was on CFRB. He is the parliamentary secretary to Paul Martin, the federal Minister of Finance. I've never heard anybody in our caucus move as far to the right as Tony Valeri did in that discussion that evening. He talked about paying down the debt. He talked about the concern he had for transfer payments. A lot of the discussion that evening on the phone-in had to do with the \$20 billion that has come from the employment insurance premiums and is sitting there with the federal government. For what reason? Nobody in Ontario can quite figure that out. A large percentage of that came from Ontario workers. It's certainly not going to help the unemployed in Ontario. It's sitting there in a fund.

Also, there's this cut in transfer payments. When we started out with health care, for example, the federal government was paying 50 cents on the health dollar in Ontario. What are they paying today? It's down to 7.6 cents. When the New Democratic Party brought this up and wanted to have unanimous consent to debate it in the House, who said no? It was the provincial Liberals supporting their first cousins in Ottawa, supporting this kind of cut in transfer payments. It's hard to understand why they would be so supportive of their federal cousins. At least the NDP does have a position in this House and you know exactly where it's at. They also brought in a motion asking for unanimous consent to debate the \$20 billion in EI premiums and again the provincial Liberals said nay. It's just difficult to understand.

As we talk about gasoline and the various taxes, this government has brought in some very significant income tax cuts, ranging from 49.6% for 10% of the population earning under \$15,000. Those earning between \$15,000 and \$19,000 had a provincial income tax cut of some 36%, and that ranges right through to the upper brackets. I don't know how many make over \$255,000, but they're down by 18%, with the average being 33.5%. It actually reduces the total taxes by some 27%.

That's the kind of dollars we're leaving in the pockets of the people of Ontario for the average family. With this tax cut fully implemented, it's approximately \$1,385 that they're saving. That is like an increase of \$2,000 or more in their salaries. I hear people, particularly teachers, saying, "I haven't had a raise in my salary in five, 10



years." Well, yes, they have. Because of our tax cuts, they've had a raise on average of at least \$2,000, and if you look at teachers, it's far more than that. It's more like a \$3,000 or \$4,000 increase in salary that they've really had because of the tax cut brought about by our government.

Just to even it out, when we removed the employer health tax, getting rid of some of those job-destroying payroll taxes, up to \$400,000 of payroll, that has been moved. Where does that income come from? It's coming from people making over \$50,000, and it's a sliding scale. That's why they're not receiving nearly as much of the tax cut as some of those in the lower brackets.

This government is also reducing corporate taxes.

Because of all of these tax cuts, we are stimulating the economy. We're making more money available so that people, workers, can buy the widgets, can buy the things that they need and want. When they are out making those purchases, that stimulates more opportunity for people to make those widgets, or whatever they want to make in their industry, and it becomes quite a circle. Some people say, "You're just riding on the coattails of the international economy." Well, make a comparison. BC was bouncing right along in the early 1990s when we were deep into a recession. Why were they bouncing along? At that time, their taxes weren't so high. Now their taxes are high and they're deep into a recession. They went into a recession long before the Asian crisis. It was not the Asian crisis that pulled them down.

I think a lot can be said for our tax cuts. I was really impressed when Dr Sherry Cooper, a vice-president of Nesbitt Burns, and I understand she's a PhD economist, addressed the finance committee. I was filling in at the time. She was going on about what a great job — and this is in Hansard, by the way — this government was doing with the tax cuts and stimulating the economy. I, like a lot of other people, was thinking that the international economy was having a lot of influence. I asked her just how much relates to our government and how much to the international economy. I said, "Would it be 70%?" and she said, "Oh yes, far greater than 70%." I think that in itself indicates a pretty big success story on the part of this government in some of the things we've been doing to stimulate the economy.

### 1930

As we address the gas tax here today, we've addressed everything from the effect on the temperature — the adjustment for temperature. There's one area in here that I would like to speak on just for a few minutes having to do with the recycled oil. I think it was rather unfortunate that the previous government allowed some of these used oil burners to be put into garages. Where did 80% of them go? Into downtown Toronto, rather than the original intent of going to northern Ontario.

I know the previous government talked an awful lot about protecting the environment, but they forgot to walk the talk. It was all talk and very little action. We finally put a freeze on the sale of these used oil burners, and it's good to see that in this bill we are removing those kinds of

barriers so that used oil can be converted to diesel fuel and heating fuel; also recognizing the biomass products that can create oil: oils coming from things like canola seed and peanuts. These and many other oils can certainly power some internal combustion engines. These are the things that this government is doing environmentally to recognize using something that's renewable rather than something from the ground that is not renewable, and in this particular bill we will be encouraging the use of that technology.

There's also an interesting point in here on the dyeing of gasolines. The main thing here in the dyeing of the fuels in general has to do with harmonization with other jurisdictions; right now it's pretty consistent with Quebec, as I understand it, but certainly dyeing of fuels that are not to be used on the highways such as on farm vehicles. It needs to have more flexibility in that particular regulation and that's what we're doing in this particular bill.

In winding up — I see we have about one minute left — I just want to stress that this bill is called the Fuel and Gasoline Tax Amendment Act. It's really a budget bill that we're bringing in to implement measures that were mentioned in both the budget of 1997 and the budget of 1998, tremendously important with the timing of the payment of the tax that's going to save some \$4 million a year just in interest costs alone, and it will be consistent with the federal government.

We're not doing anything that's going to be particularly hard on the oil dealers. It will be consistent with collecting the tax based on the temperature. It will be removing the barriers for the products such as diesel and heating fuels that are made from waste oil, and there will also be some administrative corrections in this bill. For those reasons I enthusiastically support Bill 74.

### The Acting Speaker: Questions and comments?

**Mr John C. Cleary (Cornwall):** The member for Northumberland mentioned my name and kind of aggravated me a little bit in what he said about the provincial highways. If he had had to travel the roads that I have, all the provincial highways in eastern Ontario, he would have complained too, because when this government came into power I don't think they knew what coal mix was to fill these critical holes that were causing all kinds of accidents in my community and other communities across Ontario.

On top of that, these highways that were all worn out, they then had the gall to give them back to the municipalities with insufficient funds to upgrade them. That's a sore spot with many municipalities yet. The biggest kick of the whole thing is when we saw a picture in the paper of the minister out filling these potholes in the spring of the year, once it was too late.

I agree that there should be some kind of a cost saving with municipalities, the farming community and others, on account of all the downloading that this government has done on the municipalities. Surely they could give them some kind of a fund that comes from the provincial gas and fuel tax.

I know in many municipalities their taxes are then increased substantially, some of them 100%, 200%, on the

residential and commercial. This government is telling about how great they are to the municipalities, yet they downloaded all these worn-out roads. Also, municipalities are making decisions on what bridges to close and to keep open because they know there's not much money coming from the provincial government.

**Mr Wayne Lessard (Windsor-Riverside):** One of the points that the member for Northumberland mentioned was the federal Liberal government's theft of the employment insurance surplus funds and the approach that the provincial Liberals took when we proposed raising this topic in debate. I don't recall which context he raised that in, but maybe he could elaborate on that during the two minutes he has.

He also mentioned our record on the environment during the time of 1990-1995, a record that I'm very proud of. It was a time when we put in place the Environmental Bill of Rights and brought in the Environmental Commissioner, the commissioner who has been very uncomplimentary to this government's record with respect to its approach to improving the environment: two scathing reports in a row, and I'm sure next year's report will be no different.

The members for Muskoka-Georgian Bay and Simcoe Centre raised the issue of volatility in gasoline prices, but there isn't anything in Bill 74 that is going to bring an end to the rise of gasoline prices that we see all the time just before holiday weekends or the continuous rise of gasoline prices for consumers at the pump. Even though they talk about stability in gas prices, that may be true as far as regulating the prices at different temperatures is concerned — the member for Simcoe Centre was talking about his area being a colder place; I hope he was referring to the climate and nothing else with respect to his riding — but that isn't going to do anything to try and stop the gouging of consumers at the pump just before long weekends. If I'm wrong about that, I would like to hear that from the government members.

**Mr John L. Parker (York East):** I was very proud of the performance of the member from Port Carling and Muskoka lakes, the member for Simcoe Centre and the member for Northumberland on this very important bill, Bill 74, the fuel tax act, which implements some of the key provisions of the 1997 budget.

The member from Muskoka lakes led off with the comment that the other two speakers were in fact experts in this field, and he did not mislead us. The member for Simcoe Centre spoke with his customary passion, this time on the subject of his work on the all-important gas-busters group and also on the issue of the effects of temperature on volumetric measurement. I found his remarks in that respect most illuminating and very helpful.

The member for Northumberland, as is his custom, spoke with great erudition, in this case with a dissertation concerning potholes, alternative fuels and of course the all-important issue of the financing of fuel dyes. I'm sure everyone in the House found his remarks most helpful and most illuminating. I certainly paid close attention to his

every word and, as always, the member for Northumberland was most illuminating and helpful in his remarks.

Bill 74, as we have heard, puts into legislative effect some of the important elements of the 1997 budget. I appreciate the concern that some members may have that this is a matter that is being rushed through the Legislature, having only been announced in the budget about a year and a half ago. I appreciate yet again another one of these cases of something being rammed through in undue haste, but I do hope people will understand that it is receiving the kind of attention it deserves.

**1940**

**Mr Richard Patten (Ottawa Centre):** It's fun responding to the member for Northumberland, who always throws out a variety of ropes and pieces of string to other members in the House. He's fond of criticizing the federal government, and I would remind him that his leader not too long ago stood up and said to the oil companies, "If you don't play ball, if it looks like it's price gouging, we're going to do something about it." Indeed, there was some debate in the House on whether the provincial government had some authority to do something about it, and of course the Premier substantiated the view that the province has an area of authority to do something and they could act upon it, which they haven't done at this point.

I live in the Ottawa-Carleton area and I want to tell you, when I drive from Ottawa to Toronto, you should see the difference in prices. Sometimes there's a difference of 10% or 15% in the cost per litre. We've raised these differentials in numerous instances. We've seen some discussions, I've heard some interviews on radio with the oil company leaders, and the only thing I can glean is that they're saying they price to market. What the hell does that mean? It means, "If we can get as much money as we can in this market, we're going to take it." That's what it means. It's just like, why do we pay the prices we do flying from Ottawa to Toronto when it costs \$614 now to do so? It's priced to market, because a lot of people have to come here and travel back and forth, and they've priced it that way.

My time is almost up, so I will stop there except to say that you might consider sharing some of this revenue with some of the municipalities, where you've offered them to take over responsibility for the roads.

**The Acting Speaker:** Two minutes for response, member for Northumberland.

**Mr Galt:** Thanks to the member for York East for being so gracious in his comments. Also thanks to the members for Ottawa Centre, Windsor-Riverside and Cornwall.

The member for Cornwall seemed to take a little exception to my comments. He was talking about the downloading. He forgot to mention the downloading from the federal government to the province, but he also forgot the fact that we paid two thirds of bringing all the roads we transferred to the municipalities up to MTO standards, when otherwise it would probably be a long time before they got up there. We also transferred three years of main-



tenance, which certainly in Northumberland is well salted away in the bank at this point in time.

It was interesting, the member for Windsor-Riverside talking about the environmental record and the scathing reports. I would think he would be embarrassed to even mention them, because those reports from 1995-96 are really the result of their term in government. I thought he'd be trying to hide those rather than trying to roll them out as our record. Our record of what we've been doing is just starting to show.

I'd also like to point out to him that his minister, Ruth Grier, was very opposed to waste energy incinerators. As a matter of fact, she banned them. But what did she allow upwind from where I live? Five miles upwind she allowed an incinerator to go in to burn PCBs, and she was totally opposed to waste energy incinerators. She did not walk the walk, she only talked the talk, whatever it was for politics. However, I do agree with that incinerator. It's working very well. I wouldn't want the people to be particularly upset. I think it's just a fine incinerator and it's doing a good job environmentally. But I want to point out to the member, here we have somebody who did an awful lot of talking but didn't do much of the walk of what she talked about. I think he should be aware of the kind of Minister of the Environment his government had.

**The Acting Speaker:** Further debate?

**Mr Gerry Phillips (Scarborough-Agincourt):** I think I'm supposed to mention that I'll be sharing my time with others in my caucus.

I want to begin our debate on Bill 74, An Act to amend the Fuel Tax Act and the Gasoline Tax Act, by reviewing a few of the elements within the act and pointing out the concerns we have in terms of the trend this is setting. One of the major parts of the Fuel Tax Act and the Gasoline Tax Act is to once again give the minister regulatory power. To use the explanation, the proposed subsection of the bill provides that a regulation "may be general or particular in its application and may be limited to specific types of collectors."

This continues a pattern we see from this government of increasingly giving themselves the authority to do things through regulation rather than through legislation. For the layperson what does that mean? It means that rather than public policy being set here in public, it is set in the cabinet office. That's what regulation means, behind closed doors. I will just point out the importance of this.

Property taxes: For the first time in the history of Ontario, the province has now moved in to collect property taxes. The province has said: "We are going to raise \$5.5 billion from property taxes. The rates will be set by the province by regulation to raise \$5.5 billion from property taxes to pay for education. School boards won't set those rates; municipalities won't set those rates; it will be done here at Queen's Park." Not in the Legislature, not here where the duly elected people are; down the hall in the cabinet room, through regulations, \$5.5 billion.

It now is the fourth-largest source of revenue for the province of Ontario. Personal income tax is first, retail sales tax is second, corporate tax is third and then

property tax. The reason it's so important is I think it's wrong. I think it is dead wrong for any body to set taxes in private, behind closed doors, without a vote of the duly elected people. If any council or municipality ever tried this, they would be run out of office the next day. The taxpayers would storm the municipality.

This government gave itself — and it's in one of the tax bills. For those interested in it, it says, "The Minister of Finance may make regulations prescribing the tax rate for school purposes, for the purposes of this section." It goes on and gives the Minister of Finance, the cabinet, the Premier, sweeping powers for \$5.5 billion worth of taxes to be set in secret, behind closed doors.

I was always amazed that the Conservative backbench would ever agree to this, because, somewhere down the road, there will be a change of governments. It's just the way the system works. I guarantee you, you will be so angry that any body can set tax rates, raising \$5.5 billion in private, behind closed doors. It's wrong. Evidence of that came perhaps most recently from the Supreme Court of Canada, which said, on a different matter, probate fees which were set not through legislation but by regulation were, to use their language, "invalid" or illegal. Now Ontario, by the way, has a \$400-million problem. Ontario now is in danger of \$400 million being wiped off the books. Why? Because they tried to set taxes by regulation and not through legislation.

That's my first comment on Bill 74. It is a further extension of a government doing business behind closed doors. I say to my friends in the Conservative caucus, I'm sure that before you came here you never thought you would be approving bills that would increase the power of the cabinet. I'm sure you thought you would be pushing in the other direction.

My friend from Northumberland said he's very happy with the property tax process. I'll tell you, he's in a minority. Since May 1997 we have had six property tax bills, each one trying to fix the previous one. Now we've got to have a seventh property tax bill. We're anxious for it to be presented, because it has to be passed before the end of this calendar year. Every municipality is out there on tenterhooks trying to find out, "Where is the government going now?"

#### 1950

In fact, I was interested to see Cam Jackson, who is one of the cabinet ministers, saying he's going to try and persuade the government to exempt his area from the bill. He doesn't want it in his area. The report here is that he'll be presenting his region's case to Finance Minister Eves because, he says, "We don't need what Eves is going to be doing in our area."

So I say, first, my comments on the bill are, once again we have, through regulation, a government taking more power behind closed doors. Surely if we've learned a lesson from all this property tax stuff, it is that it's wrong to be doing it through regulation.

Secondly, I want to talk, because this is a budget bill, about the implication of these budget bills. My colleague

from Northumberland talked about the impact on the environment of the various bills that we're seeing here.

I just wanted to say that in the Provincial Auditor's report that was presented today — and this really is a report card by our Provincial Auditor. We're lucky that we have an independent auditor who looks at the way the finances of the province are managed and provides comments on that for the public. I just want to give a few comments, because it illustrates a government that can't manage the affairs of the province. The member for Northumberland talked about the environment. Here's what the Provincial Auditor said in today's report. He said in 1996 the ministry had 226 air pollutant standards that required reassessment or substantial reduction in the amount of chemicals allowed to be released in the air. It was a huge problem in 1996, in the report. The Provincial Auditor pointed that out.

Here's what the Ministry of the Environment said to the auditor in 1996 when he pointed out that we've got a big problem with air pollution. The ministry responded to a recommendation that it had developed an aggressive three-year plan for studying and updating the standards. In other words, in 1996 the ministry said, "It's a problem and we're going to have an aggressive three-year plan to fix it."

Well, two years later, what does the auditor say? He said, "We recently followed up on this 'aggressive three-year plan' and found that not a single one of these standards had been reassessed or updated." It's scandalous that a serious air quality problem — and the Mike Harris Ministry of the Environment said, "We're going to have an aggressive three-year plan to fix these." The Provincial Auditor today reported that in this aggressive-three plan, there was not a single one of the standards.

So when the member for Northumberland talks about a commitment to the environment, nothing could be more damning or more current than the fact that in today's report the auditor said on this aggressive plan that nothing happened.

I wanted to comment as well because central to the budget — and the members have been talking about how pleased they are with the finances etc. I wanted to talk about the area of social assistance and the contract that the government awarded to a firm to assist them in dealing with social assistance. I think it illustrates the problems with the government.

Here's what the auditor said about that. Amazingly, the government awarded a contract to a firm, Andersen Consulting, a well-regarded firm, I might add, for \$180 million over a four-year period. Andersen Consulting did their own analysis. They said, "We think the time required to do this may be between \$50 million and \$70 million." By the way, that would have given them a full profit and all those sorts of things. But the government, for whatever reason, awarded a contract of \$180 million. They said they won't get paid unless the savings are there.

This contract was signed in January 1997. Social assistance rolls were going down. Everyone knew it. Everyone knew that this \$180 million was going to be in their

pockets, but they signed the deal that allowed Andersen Consulting's fees to go up by 63%. There are clerks who have been working on the project who are making more than a deputy minister would make.

The auditor said to the ministry, "Tell us the basis on which you arrived at a \$180-million payment," and the ministry said, "We really can't tell you how we arrived at \$180 million." Eighty-five per cent of the reason Andersen Consulting was selected was because of their people, and guess what? Over half of the people who were on the project when it was assigned have left the project. So the major reason why they were given the project, over half of them have now left it. For the government, it is a scandal. How could this possibly happen?

On a personal note, what makes me particularly angry is I still remember the note that the minister sent out to community groups going after welfare fraud. Everybody believes people who are cheating the system cannot be allowed to cheat the system, but here's what they sent out. They sent out this thing, "Help Stop Welfare Fraud," a toll-free number: "If you know of anybody or you suspect anybody, phone this number." The Minister of Community and Social Services sent out a note saying: "Would you go around and post these things in public buildings? We've enclosed a copy of the poster that you're encouraged to display in public buildings." In other words, let's hunt down these people. Let's get at these welfare frauds. If you even suspect somebody, phone the number.

What happened? There was some fraud out there. The government found fraud to the tune of about \$8 million a year. That was the report that we got. What did all of this do, this hunting them down, putting up posters, getting the posters stapled up in public buildings, the toll-free number? At the same time as the government was telling people to hunt them down — that may be too strong. At the same time they were saying, "Find these people out," they were signing the contract to pay the private sector firm \$180 million. Welfare fraud turned up \$8 million of annual savings and the government's paying this company \$180 million.

What was the cabinet thinking of when they approved a payment of that level? The minister of the day said there were mistakes made and all that sort of stuff, but there was this all-out attempt to track down those who were abusing the system with all of the posters and whatnot and the governments goes on and signs a contract for \$180 million for this consulting firm.

I will add, by the way, that the auditor's report — I've now been around these things for 10 years or more. I think it's about the most hard-hitting report. In an area that not many people have picked up on, the auditor essentially says — I'm using my language, not his — that Hydro is cooking the books. The auditor held up the six-month report from Hydro. Remember where Hydro said, "We're making money," and they held up this little booklet? For the first six months, Hydro said they were making \$513 million. The auditor said the real number is they've lost \$125 million. The auditor points out in his report that



Ontario Hydro has said — this is on page 2 of the report, right up front, the most significant one —

**Mr David Tilson (Dufferin-Peel):** On a point of order: I wonder if, between these various topics that the member is going through, he could mention Bill 74, just in between the various categories of conversation that he's debating.

**The Deputy Speaker (Mr Bert Johnson):** That is a point of order. We are debating Bill 70. I've just started in this and so I was waiting for the member for Scarborough-Agincourt to bring his remarks within it. I'm sure he will.  
**2000**

**Mr Phillips:** Mr Speaker, I would encourage you to have followed the debate that took place before, because it was very wide-ranging, dealing with many budget matters. The government talked about transfer payments from the federal government at length. It was a very free-ranging discussion on the budget. This is a budget bill and the areas that I've been talking about are the impact of the budget and the budget bills. I talked about the regulation. The member for Northumberland was specifically talking about the environment because the fuel tax deals with that, and I've talked about the environment.

**The Deputy Speaker:** I didn't want to get into a debate on that. I was just ruling on the point of order that we debate the information that's in front of us. I've told the member that is a point and that you will bring your remarks within the bill that we're debating.

**Mr Phillips:** Thank you, Mr Speaker. A very large part of the Hydro financial numbers has to do with Hydro deciding to write off \$6.5 billion of expenses, much of that fuel, which we're dealing with here. They decided that they would, in a sense, prepay fuel costs for 1998, 1999 and 2000. Fuel costs that are going to be incurred in 1998, 1999 and 2000, they went and expensed against 1997. What the auditor said when they did that, which is part of this fuel act — it's in the document — he said that Hydro is reporting a profit of \$640 million, \$750 million and \$645 million, when in fact they're going to lose \$1.7 billion, \$1.8 billion and \$1.5 billion. They will lose \$3 billion over the next three years, not make \$2 billion. That is significant and a significant part of that is, Hydro decided to prepay their fuel costs. Fuel costs for 1998, 1999 and 2000, they wrote off against 1997.

The reason I raise this is, fortunately, the auditor also was able to — if you look at the budget and then you look at what's called the public accounts, you will find significantly different numbers because the auditor said, "I'm not going to accept the way the government is reporting its finances in the budget," and they were forced to make a significant change in it. That's why the deficit came in at a number about \$1.6 billion different than the budget, because there were two sets of books, the real books and the budget books.

I want to also talk about the government's use in its budget of advertising expenditures. The reason I want to do that is that the government, in explaining its budget, has decided to use about \$42 million of taxpayers' money in advertising. We saw earlier this week the rather cynical

approach on advertising, the \$42 million of hard-earned taxpayers' dollars that the government is spending. I just want to share with the public some of things that are behind the \$42-million expenditure that you, the taxpayers, are now funding.

This says, for example, "The emotional impact of our advertising is even more important than the content of our copy." In other words, don't worry about the content; it's the emotional appeal of it.

It goes on to point out that they are selling this like a tube of toothpaste. They have what's called a brand personality. Here's the image that Mike Harris has to present: He's fair and reasonable, confident and optimistic, having the guts to do the right thing. It's all manipulated. It's all part of, not a genuine use of \$42 million of taxpayers' money to communicate the program, but "Let's appear fair and reasonable." They use those words a lot, "fair and reasonable." "Let's use the term 'we have the guts' to make the tough decisions."

The reason I point all of this out is that, in Bill 74, the government just earlier today said, "This is going to net us at least \$4 million more money a year." Why? How? "We're going to get the taxpayer giving us the money a lot earlier than they used to give us the money and that's going to save us \$4 million a year in interest costs." Fair enough; \$4 million is money that the taxpayers will appreciate. Clearly, it comes out of somebody and the industry will pay \$4 million a year more. That's just the way it works. This isn't an increased tax but it is an increased source of revenue by simply forcing the industry to pay the money earlier. So here you've got \$4 million less for the industry, \$4 million more in the pocket of the government. Fair, fine, so be it.

But I say to the industry, if it costs \$4 million for you, where is the government using that money? I go through those two examples: a \$180-million contract, when the company that got the \$180-million contract estimated its maximum cost at \$70 million, and \$42 million of advertising — clear, obvious pre-election advertising. The public should be aware that during the campaign the parties are allowed to spend a maximum of \$4 million on advertising. Harris has already spent 10 times that amount of your dollars, every single dollar of it spent on paid advertising. So I say to the industry that's being asked, to use the language of the government, to improve the cash flow — you know, "Give us your money a lot earlier," so be it; "We want to save \$4 million," so be it — where's it going? It's going to fund Mike Harris's advertising campaign.

I want to touch briefly on a point made earlier by the member for Northumberland where he was — hopefully I can find my little piece of paper. Here it is. We often hear in the Legislature, and he raised it earlier today in the debate, "Our problem is the federal government has cut transfer payments." Here's the problem with that argument. I remember the day the federal budget came out announcing the cuts in transfer payments. I remember that day well. Mike Harris said, "I support the cuts." In fact he said, "I don't think the federal government is cutting

enough." As a matter of fact, it's right here in the Common Sense Revolution: "In the wake of that budget," in other words the budget cutting transfers to the provinces, "the spending cut component of which we publicly endorsed...." I know Mike's changed his tune now, because it's far more popular to bash the federal government, but you can't erase the record. Mike said: "We like the cuts. In fact, we don't think they've cut enough." That's the first point I wanted to make.

The second point I wanted to make is we've often asked Mike Harris: "Would you like to spend more money on health care. Is that the issue?" He has always said: "No, we're spending enough on health care. Even if I got more money from the federal government, I wouldn't spend more money on health care."

I make those two points to the public because you'll often hear this: "Our problem in health is the federal government cutting transfer payments."

First, Mike Harris — and anybody who is interested in it is welcome to a copy of that — said "the spending cut component which we publicly supported." Mike liked the cuts.

Second, if the issue is that we're not spending as much as we should on health care and therefore we should be getting more money from the federal government, that isn't what Mike Harris said. He said we're spending enough on health care. He has never said he wanted to spend a penny more than he is spending on health care. That's a challenge, I think, for the government in that he was so public in telling the federal government: "We like the cuts. In fact, you probably aren't cutting enough."

**2010**

On the bill: On the recycled oil provisions, I think the intent of this portion of the legislation is that it is now a growing industry on refining old oil products and that's good. That's good for the environment; it's good all around. The provisions here are designed, as I understand it, to make certain that those industries are taxed so that because of some historical definitions they don't escape taxation. I'd just make two points on that. One is that on any emerging industry where we are trying to encourage new technology and recycling, I just hope that in the process of trying to get more tax revenue, we don't undermine the success of these organizations that are just in the start-up phase. That's really more of a rhetorical question because only time will tell, but governments of any political stripe are looking for symmetry. I hope we aren't going to undermine an emerging industry where they are refining and recycling petroleum products.

As I'm about to suggest my colleagues continue the debate, I'd say that Bill 74 is a budget bill. It is a relatively straightforward budget bill, but I felt that it needed to be put in a broader context. It is ironic in many respects that today we get the report card from our auditor on the way the government is managing our hard-earned tax dollars, pointing out in the report a number of things: the \$180-million contract for the consulting firm; he calls the Hydro approach using the big bath approach; and points out that the Ministry of Health still has eight

million health cards that remain to be verified for eligibility. The government has now been in office for almost three years and eight million health cards are not verified yet.

The Ministry of Natural Resources looks like it's perhaps the most mismanaged ministry, with not even proper program support and implementation to see whether it's doing its fundamental job — \$800,000 in advances to employees that haven't been collected; \$1.3 million in mostly unrecorded disbursements that weren't followed up. I've talked about the Ministry of the Environment, where the member for Northumberland talks about the environmental things in here, and yet in 1996 the ministry said it was going to have an aggressive plan to update the air pollutant standards and today we find that in that aggressive plan not a single one of the standards has been reassessed or updated.

On the fuel tax bill, I think it's a comparatively straightforward matter except that it has many of the symptoms of the problems we've seen in other tax bills from this government.

**Mr David Ramsay (Timiskaming):** I'd like to thank the member for Scarborough-Agincourt for sharing his time this evening. I was very pleased to see that while he was starting with Bill 74, An Act to amend the Fuel Tax Act and the Gasoline Tax Act, he availed himself of the opportunity also to discuss other budgetary items, as others in the House from the government side have also this evening. It is ironic that today, as we discuss and debate a budget bill, the Provincial Auditor brought out his report. As the member for Scarborough-Agincourt has just pointed out, it is really quite a devastating report. As a northerner, being the member for Timiskaming, I am particularly shocked by the mismanagement of the Ministry of Natural Resources.

I was just discussing that with my colleague the member for Algoma-Manitoulin, who has been here since 1987. For maybe six of those years he has been the MNR critic and he really knows that ministry inside and out. For those of us who come from the north, that ministry has always been the government presence in northern Ontario. It's a ministry that northerners have relied upon to manage our resources, both wildlife resources and timber resources. It saddened me to see the devastating cuts that have happened over the last couple of years of the Harris government, cuts as deep as almost 50% in this ministry that resulted in an over 40% cut in personnel. I think what the auditor has shown us today is what we had been fearing and saying over the last couple of years, that such radical and devastating cuts over such a short period of time were going to basically cripple the ability of the Ministry of Natural Resources to do the job that Ontarians entrust it to do: to manage our wildlife resources, primarily in northern Ontario but throughout the province. Page after page of this report is a devastating indictment of the damage that the Harris government has done to our wildlife through their mismanagement of the Ministry of Natural Resources.



I would say right off the bat that it's the government's cutting policies that I blame, not the personnel who are left, who remain in the ministry, for this devastation. It is horrendous. Mr Phillips mentioned what I think was a most devastating lack of accountability that the Provincial Auditor pointed out today. Thank goodness we have a Provincial Auditor to keep governments of all stripes on their toes.

He says here on page 192, "During the 1996-97 fiscal year, the ministry estimated that \$39.2 million would be required from the account for fish and wildlife expenditures" — the account he's referring to is a wildlife account that primarily is set aside from the revenue that is derived from the sale of all sorts of hunting and fishing licences. I and my colleagues agree that this fish and wildlife special-purpose account is to be used for the preservation of our wildlife resources in this province, and it is an extremely good idea. The ministry felt that they would need \$39.2 million in this year from this account "and withdrew this amount. However, the ministry's financial system recorded only \$34.7 million in actual program expenditures charged to the account. Ministry staff had not properly documented and recorded fish and wildlife program expenditures totalling \$4.5 million." I guess what he's saying is that they can't account for \$4.5 million in that ministry from that particular account.

**2020**

All those good folks I represent who hold their Outdoors Card and buy their fishing licences and their hunting licences who understand that that money, rather than going into general revenues, goes into a specific fund that's entrusted to preserve wildlife in Ontario I'm sure would be absolutely shocked and very angry that \$4.5 million of that hard-earned taxpayer money that's collected through these licensing charges has not been accounted for. It's disappeared somewhere, and that's to the loss of all Ontarians, but especially to our wildlife reserves. I think that's one of the most damning indictments that the Provincial Auditor brought down today.

The other thing, on page 162, that the member for Scarborough-Agincourt had mentioned, is that like most ministries, the Ministry of Natural Resources issues travel advances to employees, though it's not as necessary today as it has been in the past. I've felt that over the last few years the need for travel advances has been minimized to quite an extent because of the issuance of charge cards to employees who are responsible for those accounts. They make those charges and then they have to recoup those charges through the ministry and pay off those cards, so I'm not sure why travel advances are getting so out of hand.

When the auditor looked at this, on page 162 of the report, he found that travel advances to employees, as late as 1993, have not been kept track of and have not been recouped. There is a major lack of accountability. In total, at the time of this audit, there was \$800,000 owing from ministry employees back to the ministry for advances that were made to them mostly for travel and related expenses such as that.

Again, there's almost \$1 million that's outstanding there that could be used for the day-to-day operations of this ministry, to the good of not only wildlife resources but timber resources that would enhance economic activity throughout the province. This is just a tremendous shortfall, and I would hope the ministry will endeavour to collect this money, as they have started to do, so that it can go back into the account.

One of the other areas that I find very shocking is the fishery program, particularly the fish stocking program. It is quite shocking because, again due to the lack of resources, ministry officials have had to cut expenditures in handling and transporting the fry and other fish stock coming from our fish hatcheries across the province, and by trying to minimize the cost of this, have encountered a tremendous increase in mortality of the fish stock.

While we're spending a lot of money in producing these fish, rearing these fish to the size that makes it appropriate to introduce them into the environment in the various lakes — quoting from the report here: "Many districts no longer have the resources to support fish stocking, particularly aircraft stocking, resulting in a greater workload for fish culture staff or potentially greater post-stocking mortality."

What the auditor is saying in talking to the experts here is that even those fish that actually make it to the lake, they believe, because of all the delays in the handling and transportation of the fish, that we're getting a much higher post-stocking mortality. We're not getting our bang for our buck. I thought that's what this government was about: trying to cut waste. Here we're seeing a lot of waste, and this is because of the cuts.

"The ministry invests \$4 million annually on advanced rearing techniques and fish diets to produce strong, healthy fish and thereby increase survival rates. However, this effort is diminished because the transportation methods chosen by districts may increase fish mortality and reduce stocking success." He gives many examples here throughout this. I'm sure that the many Ontarians who enjoy going fishing with their families would be very upset to see that these resources are being mismanaged.

Another important area of Ministry of Natural Resources protection of our wildlife is their whole enforcement activity. We have conservation officers stationed throughout the province to ensure that the game and wildlife laws are being enforced properly. Our critic from Algoma-Manitoulin has over the last few years raised the alarm that there's been a tremendous cut in conservation officers and their operating budgets, and that's exactly what the auditor today zeroed in on.

**Mr Michael A. Brown (Algoma-Manitoulin):** The government said it wasn't so.

**Mr Ramsay:** All these years, as my colleague says, the government said it wasn't so. But today the auditor has proved that and proved Mr Brown from Algoma-Manitoulin to be correct. He says here that the ministry allocates operating support funding to all the districts for enforcement activity, and this is based roughly on about \$11,000 per conservation officer. However, this amount

does not take into consideration the geographic or resource pressures affecting each district.

An example of that would be that in the southern part of Timiskaming and actually even in the northern part too, around Kirkland Lake. These are some of the most highly sought-after wildlife management units to hunt moose. Because we are relatively close to southern Ontario compared to the great northwest wildlife management units, there is tremendous hunting pressure in our area and the need for greater enforcement. This is not taken into account.

Additionally, this amount is reduced by office overhead costs and the cost of leased vehicles and computers. After deducting these costs, there's only \$4,000 to \$7,500 per officer left to carry out enforcement activities and to pay for vehicle operating costs, mandatory training, uniforms and meals while the conservation officer is out in the field, sometimes working very long hours in very bad weather.

The auditor goes on to review this:

"Over the past two years, there has been a decrease in the amount of time spent on general deterrent patrols. Over 70% of the conservation officers who responded to our questionnaire indicated that their assigned areas were not being effectively patrolled due to inadequate funding, poor vehicles and equipment and, in some cases, because of increased patrol areas. As a result, the conservation officers have concentrated on these areas considered to be high risk" based on a history of past violations.

At the districts that the auditor visited, the funds budgeted for each conservation officer were insufficient to carry out enforcement activities. I find it particularly shocking that the funds ran out seven or eight months into the fiscal year. In one example in a district in the northwestern region of this province by November of the year the conservation officer basically was stuck in his office until April 1 of the next year, right smack dab in the middle of the most important moose hunting season, our largest game hunting season that we have in Ontario.

**Mr Michael Brown:** And deer hunting.

**Mr Ramsay:** And deer hunting.

Where was that conservation officer? He was in his office somewhere in the northwest. He doesn't identify which one — Kenora, Dryden, somewhere else — not out there patrolling that moose hunt, which is the most important hunt in the northwest. We're really in a mess here, and this had better be straightened up very quickly because we are in great danger of losing our wildlife resources if this trend continues, because there just isn't the proper enforcement.

The report goes on to say that, because of this, there was a great decrease in charges laid in this fiscal year, and particularly in the northwest and the northeast regions, where most of the big game is, there was a decrease by 24% in charges laid over the previous year. "The reduction in patrols may have resulted in violations not being detected and an increased risk of illegal activities putting pressure on the wildlife resources."

It's a twofold effect. The lack of patrols mean the conservation officers are missing a lot of violations, and

for the little, limited time that they are out there trying to enforce they are obviously not laying as many charges as they previously did. What we're seeing is an increase in poaching, and the auditor goes on to say, which I think is the most alarming part:

"The reduction of patrols may have serious consequences for the province's fish and wildlife resources. For example, we were informed by the ministry that the reduction of moose tags and reduced patrols may have resulted in increased poaching in the northeast region."

## 2030

This is the region where my colleague from Algoma-Manitoulin and myself, coming from Timiskaming, reside. We personally feel tremendous pressure from our constituents in their frustration, in their lack of ability to obtain moose tags. The vast majority of the people we represent want to hunt safely and legally, abiding by the regulations set out by the ministry. But when they see that there's a lack of protection of our wildlife resources, they become extremely agitated, and rightfully so. There need to be some changes made here for sure.

One of the areas of concern is that the ministry have the proper information, which is, I suppose, almost the whole theme for this report. If I go back to the very beginning of the Provincial Auditor's annual report, in his overview, his title is "Improving Information for Decision-Making: Good Decisions Require Good Information." He says that "having good information for decision-making is essential."

One of the very important areas for the Ministry of Natural Resources and for the whole moose tag system that has been designed to provide hunting opportunities for Ontarians, while at the same time trying to conserve our natural resources, requires that the ministry biologists have the proper information as to what the wildlife counts are in the crown lands across the north. It would seem that the ministry has been unable over the last few years to get the proper information. They have not been able to spend the money to do the aerial surveys.

It's very interesting for those who don't live and breathe this, like some of us from the north do, the tremendous job that the MNR biologists do, primarily over the winter. When law enforcement and other management tasks are put to bed for the winter, they move into other activities such as taking inventory. The best way to take inventory of big game is using airplanes and flying in grid systems across selected areas of wildlife management units and visually taking account in those grids of how many, in this case, in my area, moose there would be and extrapolating from that particular count and those particular grids to the whole wildlife management unit to come up to a total count of moose in that area to determine what would be the allowable hunt for the next year.

Changes in weather patterns affect the ability to do that. In fact, if there's hardly any snow on the ground — in one year, up in Kirkland Lake, they did a flyover before the snow came. It's just about impossible to track moose if you don't have some trails in snow, so these counts really rely on heavy snow. They did that inappropriately and in



fact we worked with the area fish and game club to ask them to do that again in the next year.

But the auditor had said that in many of the wildlife management units for over 13 years aerial assessments, aerial surveys, had not been carried out. The ministry doesn't have the resources to do the proper accounting of the resource out there to determine what the proper hunt would be, and this could lead to a diminishment in the wildlife resource, which would mean we would no longer have sustainability and would put hunting opportunities in jeopardy, which would be a tragic loss for Ontarians who are hunters, but especially northerners. Really, it's part of our heritage and a right as we see it, the ability to go out and to hunt.

This is a big concern to northerners, and I look forward to discussing these concerns with our fish and game clubs, as I'm sure my colleague from Algoma-Manitoulin and the other northern members will do in probably the next few weeks, as we work towards putting pressure on the government to bring more resources to this ministry. This ministry has been devastated, and now we see that our wildlife management ability has also been devastated, that they have not been able to manage with less, as the government likes to say they can, do more with less money. They're not doing more with less; they're doing much less, so it's doing less with less. In this case, while it's not people, as in other ministries that are being victimized by the cuts, it's wildlife and it's northern Ontario. I for one am not going to stand by and see this happen. I'm very pleased that now we finally have the documented information from the Provincial Auditor that has brought this forward, that gives us the ammunition to go after the government to say that this is not acceptable, that it's causing a great loss to wildlife management and hunting opportunity and outdoor opportunity for northerners.

Moving a little closer in relation to the bill, as the bill, as you know, is about fuel tax and gasoline tax, the purpose of this particular tax, brought in years ago, was to pay for highways. Next to wildlife issues and others related to this bill, the condition of our roads is one of the big complaints northerners have. I reflect on a column by the editor of the *Timiskaming Speaker*, Gordon Brock, upon his return from taking some six months off and travelling with his family across the country. His observation in his first column upon his return was about the deplorable condition of northern Ontario highways compared to the prairie provinces. He had travelled west with his family, and he noted the contrast in the road conditions in northern Ontario and the road conditions in the prairie provinces as he moved with his family in his automobile across Manitoba, Saskatchewan and into Alberta.

That's one of many observations that are made on almost a weekly basis in our constituency offices. While there seems to have been an attempt, after all the pressure the opposition has put on this government, to make the repairs and do the rebuilding that is required in the north, we really are talking about a major rebuilding and up-

grading, bringing all of the northern highways up to the newest standard that the upgrading brings when it comes to a highway near you. But we still have vast stretches — in fact, about five months ago in this House I brought forward a petition that had been started by a transport truck driver out of New Liskeard who had placed petitions in the truck stops between North Bay and New Liskeard. Very quickly about 400 truckers from across the country had signed that petition, which acknowledged the deplorable condition of Highway 11 from North Bay basically to Marten River, a very short distance on Highway 11 but a very bad stretch of highway.

While this bill, Bill 74, endeavours to tighten up some of the enforcement of both the Gasoline Tax Act and the Fuel Tax Act to make it fairer, to make it easier to collect those taxes, the taxes that these bills authorize over any fiscal year far exceed the amount of money that is plowed back into highway reconstruction or construction in this province; in fact, gasoline tax has long been used as just one of the consumption taxes out there to basically fill the general revenue of this province. With the very high cost of gasoline, as was noted by one of the previous government speakers, and the great fluctuation in that and the tremendously high rate of both the federal excise tax on gasoline and the provincial tax, northerners especially, and all Ontarians, have a right to and deserve the very best highway system.

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When you talk to transport truck companies about their inability to properly maintain their vehicles when they have to move those vehicles over improperly maintained roads, and the high cost of that and how those costs have to be transferred to their customers, it is an economic necessity that our highway system be brought up to a standard that we see on the American interstates and other provincial highways across this country.

**Hon Robert W. Runciman (Solicitor General and Minister of Correctional Services):** They get federal money.

**Mr Ramsay:** That is very good. I see the Solicitor General has offered a suggestion, and maybe that's part of the suggestion too. We have a TransCanada system that in part originally was funded by the federal government, and possibly we should be looking at that again. I know the federal government puts a lot of money into the Maritime provinces, which don't have the resource base that Ontario does, and there is a substantial contribution from the federal government to highways in other provinces. Ontario is seen, obviously, with a tremendous ability to raise revenue such as this, as having those resources, but we really have to do something major to ensure that we have the proper infrastructure, not only for strong support for the economy of Ontario but also when we look at the injury and death rate on Ontario highways. It's of great social importance that we have an extremely good highway system.

As I'm speaking about northern Ontario, in the under three minutes that I have left in my time, what I'm finding in my area right now is that the most important and

pressing issue to my constituents, while we are short of jobs, while we talk about highways, is the lack of doctors. This week the Ontario Hospital Association issued a report of the percentage of people from different regions in the province who enter our hospitals with certain illnesses and diseases, and it is shocking, the statistics that come from northern Ontario of the very high rate, a three to four to five times higher rate than Toronto and southern Ontario, of admissions to our hospitals of people with heart disease and asthma, to name a few that really stand out in that report. A lot of that can be attributed to statistics such as the fact that just about 50% of the people in the town of Kirkland Lake, a town of almost 11,000 people, do not have a family doctor. We cannot go on with that.

We have reports of cancer patients needing to receive chemotherapy waiting in an emergency room for three or four hours, lining up for treatment; because they don't have a family physician who can renew their prescriptions, people desperately going to the pharmacy trying to get their prescriptions, and of course the pharmacist cannot renew a prescription unless a doctor authorizes it. Without a family physician, this puts people, especially cancer patients, in such a vulnerable position that it's just not right. It shouldn't be accepted, and it's just not acceptable.

Time after time I have approached this minister with letters about this, I have spoken to her about this, I have railed about this in the community, as other officials have railed about this, and yet she will not take on the OMA, which really has not addressed this problem over the last few years. I think it's time we had a Minister of Health who would finally stand up to and take on the Ontario Medical Association and say: "You have failed to do the job. You allow a maldistribution of physicians in this province, and it is your responsibility, along with us, to make sure that all Ontarians receive equal access to health care at the very primary level." I'm not asking for all these specialists to be in the north, which would be nice. We accept that we have to go to regional centres. But we need primary health care. That is an issue that my colleagues, especially from the north, will be taking up in the next few days, as it's of growing importance.

**The Deputy Speaker:** Comments and questions?

**Mr Lessard:** The member for Scarborough-Agincourt correctly pointed out that Bill 74, amending the Fuel Tax Act and Gasoline Tax Act, is another tax bill put forth by this government, and it needs to be considered in the context of the entire focus of the Tory tax scheme and how that has been reflected in the auditor's report. That really is a criticism of not only the Tory tax scheme but their ability to govern here in the province as well.

I'm pleased that he mentioned some of the decisions we're going to be faced with that are being made by Ontario Hydro, some of the things that we talked about during the debate on Bill 35. I think we as legislators need to look closely at the report from the Provincial Auditor when he says that Ontario Hydro has written off \$6.4 billion in expected future costs from its operating results for

the next four years. That is going to have a tremendous impact on the government of Ontario's books, because through the changes in Bill 35, Ontario Hydro's financial statements are going to become part of the Ontario government's financial statements in the future.

This is a tax bill that we should consider as part of the overall Tory tax scheme, a tax scheme that we have seen is benefiting those who are very well off at the expense of those who are the lowest paid in our society. It's meaning that the rich are getting richer, the poor are getting poorer, and that has been substantiated by a report that was released just in the last couple of weeks. The middle class is under attack, and this bill is part of this government's strategy.

**Mr Grimmett:** I'm pleased to remark on the comments of the member for Scarborough-Agincourt and the member for Timiskaming. I thought it was noteworthy that while we have had some complaints raised by the opposition about the amount of speaking time on bills, in 60 minutes of speaking time that the Liberal Party had on Bill 74, I didn't have a stopwatch with me but I estimated that they spoke for about five of those minutes about Bill 74 and the other 55 minutes about just about any other topic under the sun. I take it that they are supporting the bill on that basis.

I noted in his comments that the member for Scarborough-Agincourt wanted to praise the government for having the recycled oil provisions in the act, although he was under the mistaken impression that the recycled oil provisions were there to try and raise more revenue for the provincial government. In fact, the recycled oil provisions in the bill are there to reduce red tape for some business people in Ontario who have developed and are in the process of developing new processes to recycle oil products and to use alternative sources of energy.

These operators currently are in the difficult position of having to collect provincial revenues while not being properly registered as distributors because the current legislation doesn't allow them to be officially recognized as distributors. So these distributors have come to the provincial government and asked for a method whereby they can become collection agents, and this bill will not only allow them to become collection agents but will give them a process whereby they can remit that money to the provincial government and also colour their fuels that are exempt from tax. I think that clarifies that.

**Mr Michael Brown:** I'd first like to congratulate my colleagues the member for Scarborough-Agincourt and the member for Timiskaming on their fine presentations on what essentially today is a budget bill. I'm always amused as I listen to the government on this. They talk about efficiencies. Their cash flow is going to improve, of course, because they are going to more efficiently have their receivables paid, but the exact opposite could be said for those that are paying the receivables, the small business persons across this province, who now will have to make some more cash flow arrangements, so to speak, so that they can cope with the increasing efficiency of this government.



Particularly, I wanted to talk about the member for Timiskaming's presentation, because today we received the annual report of the Provincial Auditor of Ontario. As the member for Timiskaming pointed out, it is an absolutely damning document from the point of view of the government's operation of the Ministry of Natural Resources.

I think one of the more shocking findings, and the member alluded to this, was the fish and wildlife special purpose account. This is an account that your Outdoors Card funds, your hunting licence funds, your fishing licence funds, and it is supposedly set up under a committee that looks after this. But here's what the auditor said: "The ministry estimated that \$39.2 million would be required from the account for fish and wildlife expenditures, and withdrew this amount. However, the ministry's financial system recorded only \$34.7 million in actual program expenditures charged to the account. Ministry staff had not properly documented and recorded fish and wildlife program expenditures totalling \$4.5 million." They lost \$4.5 million.

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**Mr Martin:** I want to respond to the comments by the members for Timiskaming and Scarborough-Agincourt and to say that they put on the record here this evening some very legitimate and important points that the people of Ontario should know and understand about this government and how this piece of legislation that's in front of us here tonight relates to everything else they are doing, fits into the context of the agenda of this government, which is, from all important perspectives, whacking the poor and giving more money to the rich.

I agree with the members who say that this bill doesn't really do a heck of a whole lot about the issue that the Tories seem to think or would lead us to believe in the comments they have made here tonight it will do. This doesn't really do anything to grab that bull by the horns, that very difficult issue of gasoline prices that have a tendency to go up just before a long weekend and then come back down to a more normal rate after the weekend is over. For them to suggest for a second that somehow they can't do anything, somehow they're powerless, somehow they're paralyzed in front of this issue, is to actually belie the truth.

You would also have thought, if you paid attention to the gas-busters fiasco that happened a few months ago with the capes and the white gloves out there, and they were going to take on the big oil companies and make sure that gas prices never went up again and protect the ordinary citizen against all that was wrong and obscene about the level of gas prices from time to time across this province — alas, it all spluttered out. It amounted to nothing, and here we are tonight —

**The Deputy Speaker:** The member's time has expired. The member for Timiskaming has two minutes to respond.

**Mr Ramsay:** I appreciate the comments from the other members.

The member for Sault Ste Marie has just mentioned that obviously related to the gasoline tax and the fuel tax has been the tremendous fluctuation in the price of gasoline throughout this province, and this is especially true in more remote areas. The farther away you get from more densely populated centres, there are certainly higher gasoline prices, and this is accounted for by lack of market competition. To actually transport gasoline from the south to the north really only adds about half a cent a litre.

It's a real perennial problem. In the 13½ years that I have been here, there is no simple answer. From time to time, political parties think they have an answer, and even the government member said he was upset that the price fluctuates, this coming from a member of the Progressive Conservative Party, who I would have thought would totally embrace free-market principles, as I think most of us do in this House.

In this particular commodity, it's somehow finding a compromise that allows the free market to function, but on the other hand brings some sort of equity to the people in certain regions, usually the more remote northern regions of the province, so they are not so totally gouged because of lack of competition that the people of southern Ontario benefit from. We in the north in most areas don't get the benefit of gas wars, as southerners periodically do, that give sort of levelling effect to gas prices over the year. I'd be willing to work with the gas-busters and try to find a way; maybe just keeping up the publicity would be a way to embarrass the companies into doing it.

**The Deputy Speaker:** The member's time has expired. Further debate?

**Mr Martin:** At the outset I need to ask for unanimous consent to defer our leadoff on this piece of legislation until the critic can be here.

**The Deputy Speaker:** Is that agreed? It is agreed.

**Mr Martin:** Thank you very much. It feels good to be in this place every now and again when there is unanimity about something, some co-operative spirit.

**Mr Steve Gilchrist (Scarborough East):** Only because it's you asking us, Tony. You're number one in our hearts.

**Mr Martin:** Thank you very much. It's just unfortunate that some of the things I have to say tonight have to be so critical, but that's the way it is around here.

*Interjection.*

**Mr Martin:** You'd disappointed if I didn't, right. You'd wonder what happened.

**Mr Gary L. Leadston (Kitchener-Wilmot):** Somebody has to do it.

**Mr Martin:** That's right. It's a tough job but it's got to be done. I want to talk tonight about this piece of legislation that's in front of us. I want to talk about three things in the 20 minutes I have.

First of all, I want to talk about the gas-busters. I want to ask the question, where are they? What happened to them? We know where the crime commissioners are. We hear from them from time to time. They're out there doing their work and making that noise and living up to their reputation. I'm just wondering where the gas-busters are,

and why it is, when some of the folks from the Conservative caucus get up to speak tonight, we hear all kinds of moaning and groaning about what the federal Liberals aren't doing, but we don't hear a darn thing about what you propose to do and what you learned or what it is you decided to do as a group after you went out across the province on that fateful long weekend — I forget which one it was, but we haven't seen you since — making that grandiose announcement on how you were going to be observing, you were going to watch, you were going to see. Where you saw something untoward happening, some gas price rising in a way that it shouldn't, you were going to stop it, you were going to lie down in front of that big truck when it came and say, "No, you can't do this."

**Mr Lessard:** Bring the oil companies to their knees.

**Mr Martin:** Bring the oil companies to their knees and make them say uncle and tell them "Never again will this happen." I'm going to talk a little bit about that in the 20 minutes I have.

I'm also going to talk a little bit about how this piece of legislation actually is another tax increase. Not significant, not huge, not as big as, for example, the tax that's been imposed now on senior citizens when they go to get their pharmaceuticals at the drugstore so they can look after themselves from a health perspective; not nearly as big as the tax increase that most Ontarians across this province are experiencing on their property as the municipalities deal with the download; not as big as in northern Ontario where this government has now reintroduced a cost to register your licence plate on your vehicle that used to be free. It was a token —

*Interjection.*

**Mr Martin:** Nonetheless — by the previous NDP government, of which I was proudly a part, which decided that in northern Ontario where transportation is such an essential element of any aspect of life you want to talk about, whether it's going to work, visiting family or taking somebody to the hospital, for the most part you have to drive because the distances are so vast and the weather can be so difficult that you have to buy gasoline and put it in your vehicle. In order to make up for the huge differential there is between the cost of gasoline in southern Ontario versus northern Ontario, we decided as a government by way of some gesture to the north to say that we understand the challenge you face, the dilemma that's in front of you —

**Mr Lessard:** It's an issue of fairness.

**Mr Martin:** It's an issue of fairness — that we would, in all fairness, take off the cost of registering your vehicle. But this government in its wisdom decided that it was going to reintroduce that and so we have another tax. I'm going to talk about that ever so briefly in that context. This, at the end of the day, will be a further tax.

We have the government members talking about how they're concerned, how they are sincerely and seriously concerned about the price of gasoline, how it is continually going up, and how particularly on long weekends it goes up and affects those people who like to get out of the city to go to their cottages or whatever, because a lot

of travel happens on a long weekend in Ontario. They were going to put an end to that, but in fact what they've done, which they're not going to speak about or be honest about, is, by way of this piece of legislation, to introduce a small, additional tax on the regular, run-of-the-mill Joe and Jane in Ontario who needs to drive to work, drive to a health centre or drive to take their children to a place for recreation etc.

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I'm also going to talk for a few minutes tonight about the larger context within which this piece of legislation is rolling out. That's the context of the gap, the gap that's growing ever wider between those who have in this province and those who do not have —

**Mr Lessard:** The chasm.

**Mr Martin:** — the chasm that is growing between those who are rich and those who are poor, and to speak ever so briefly about the report that was put out last week that some of you probably read about if you picked up the newspapers Thursday or Friday, I believe it was, where an analysis was done and some comment made. We raised it here in the Legislature.

It's important for people to understand and recognize just exactly where the agenda of this government is taking us, what very difficult circumstances it's creating for those in this province who actually carry the bacon, who actually get out there and do the work, those people in this province who work for a living, who no longer feel very secure oftentimes in that circumstance because of the nature of the work they now do, which is of a part-time contractual nature. Because of all that, those people are falling further and further behind, while at the same time the folks at the top end are doing much better.

Those are the three things I'm going to talk about tonight. I'm going to try and put some thoughts on the table here, and you can respond in your two minutes and tell me what you think and perhaps take an opportunity to go around here, to get up and give us 20 minutes of your wisdom and understanding of it.

To begin with, I said I was going to talk about the gas-busters and ask the question: Where are they? Where are the gas-busters? Where are these guys who were out there some months ago, before a long weekend, making all kinds of hoopla, getting all kinds of press? It was a great publicity stunt, which this government is very good at. They do it over and over again. It's part of the routine now. Big publicity stunt, big promise to the people of Ontario, "We're going to do this for you, and we're going to do that for you; we're going to respond to this dilemma or crisis on your behalf in this way," and then a week or a month or six months later, we find out that there's no substance to it, that there's nothing there. It's all smoke and mirrors. It's all puff.

As the woman in that ever-famous advertisement said some years ago, "Where's the beef?" Where are the gas-busters? Where are the results of the work the gas-busters were supposedly to take on? The guys in the white capes and the white gloves out there were going to take on the big oil and gas companies, were going to lie down in front



of the trucks and say, "No more, that's it." It didn't happen. Nothing happened.

They get up here tonight, and I believe some of the gas-busters themselves spoke and put some thoughts on the table, but all they did in their comments in the time they had was slam the federal Liberals. There may be some justification in that, because there are some things the federal Liberal government could probably do. We have colleagues in the federal New Democratic Party caucus in Ottawa who have tabled private member's legislation which would allow the federal government to take some action that would in fact challenge the big oil companies, big gasoline companies in this province to actually do something about the pricing of gasoline.

In the north we always ask this question: Why is it governments can regulate the price of beer but can't regulate the price of gasoline? Why is it we can make the price of beer the same across the country and yet we can't do that for gasoline? I'm sure there are lots of thoughts on that and ideas and reasons for it, but I don't want to focus tonight on the federal Liberals because they have their own challenges to deal with. I want to focus tonight on the Ontario Tories, who suggest to us that there really is nothing they can do, that it's not within their jurisdiction and they have no power. Suffice it to say that Mike Harris, Ernie Eves and some of the other cabinet ministers in that government from time to time sit down over dinner, over coffee or over cocktails with some of the movers and shakers, the big wheels in this province, the people who make the economy run because they're at the controls, and they could if they wanted to, if they were genuinely and sincerely interested in doing what they say publicly they want to do. We've heard Mike Harris, the Premier, stand up and talk about how he is really upset with the big oil companies, with the big gasoline companies, and we've heard Ernie Eves say the same thing and we've heard the gas-busters say that, but at the end of the day nothing is done. I guess they're not saying it to the right people. They're saying it to people like the member from Windsor and myself, but they're obviously not saying it to those people who are in control of the pricing.

They can do something. Let's look, for example, at Prince Edward Island, the smallest province in the Dominion of Canada. They ran into a problem with the gas and oil companies. They knew that gasoline was really important to the economy of that province and yet they didn't just throw up their hands and say: "We're powerless. We can't do anything. They're too big. Woe is me." No, they brought in legislation to regulate and to do something about the price of gasoline because they discovered that provinces have the right to regulate gasoline prices at the pump. PEI has a regulatory agency that has done that now for years.

This government tonight and over the past number of months has stood up and said, "We've got to do something about gasoline prices," and "Isn't it awful?" and pointing the finger at the federal Liberals, when in fact they themselves could do something if they wanted — all talk, no action, but it's typical of a government that leaves

everyone subject to the whims of the marketplace even if that is not in the best interests of the average consumer. Let's make no bones about this. This government is about allowing the marketplace to dictate, to rule, to be in charge of every aspect of our lives. Eventually, if they're allowed the time to do that, that's what will happen. When they stand up and say they're going to do something about the price of gasoline, we know that's not true, because they're not going to interfere in that realm of life in our province.

Oil companies might take a price-setting agency to court, if Ontario set one up, on the grounds that the government is trying to regulate interprovincial trade, which is a federal responsibility. However, as long as the price-setting is done at the pump, they would not likely succeed. That has been our legal advice.

It could also be argued that the price fluctuates so much that the ceiling could become a price floor. In other words, it's possible that consumers might be shut out of potential price decreases. Still, it's likely that competition would operate at price levels below the regulated price just as it does under rent control.

What has PEI done? They've instituted the Island Regulatory and Appeals Commission, or IRAC, as it is commonly known in Prince Edward Island, established in 1981, following the amalgamation of the former PUC, Land Use Commission and Office of the Director of Residential Rental Property. What does it do?

"The purpose of the Petroleum Products Act is set out as follows:

"...to regulate the distribution and sale of petroleum products within the province of Prince Edward Island for use within the province, and the type, location, and operation of facilities and equipment associated therewith, and to ensure at all times a just and reasonable price for heating fuel and motor fuel to consumers and licensees within the province."

To suggest for a minute that there is nothing this government could do in front of this very challenging problem, particularly where it concerns those who live in rural Ontario and those who live in northern Ontario, who depend on their cars for transportation and for so many reasons, is just not to be telling it as it is.

I wanted to speak as well just for a few minutes about the context within which this bill is situated, and that's the growing gap between the rich and the poor, which was documented so well by the Centre for Social Justice just this past week in a report that it put out which talks about how over the last 10 or 15 years in Canada and in Ontario, because we're driven by this market force that nobody seems to have the courage to get up and challenge or seems able to find a way to have government do its job in co-operation with or in partnership with or in front of, in fact what's happening because government hasn't been playing its role is that the gap between the rich and the poor is widening.

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One of the interesting things, though, that's pointed out in the study, just so you know how this relates to the

government of Mike Harris and the Tories in Ontario, is that for 10 or 15 years the gap has been widening, but up until 1994-95 at least those at the bottom end of that chasm, the lower-paid workers in the province, those who get the lowest income, were ever so slightly increasing. The gap was increasing, but their income was still going up year over year by a small amount, as governments moved to make sure that cost of living and those kinds of increases were considered and brought in new ways of helping those who are at the bottom end through the various programs that were introduced.

But under the present government, in 1995-96, for the first time in the history of this province, the actual income of those at the bottom end has decreased, coincidental, I might say, with the 21.6% that was taken away from some 750,000 people across this province, the lowest-paid people, the lowest-income people in the province, who have children to feed, who have homes to make sure they can pay the rent on, who have clothing to buy during the long winter months. Those 750,000 people across the province found their income reduced by 21.6% under this government, the first thing they did when they became government.

This gap, which you'll probably hear a lot more about as we move towards an election, which is coming in this province within the next six to 12 months, is described like this by the report, which might help you understand a bit further why you should be concerned. It says, "The employment gap: Access to paid work — any work or enough work — is key to understanding what has been happening to the poorest families over the last generation. The casualization of work has hit young people and families the hardest, but has become a permanent feature of the labour market." The casualization of work means taking real, solid, long-term, good-paying jobs and turning them into part-time jobs or contract jobs. That's the casualization of work, and it's contributing in a major way to the gap.

"The income gap: Governments have made radical changes in the way they provide income for people without a job, and how much income support people can expect. The erosion of this help has been most rapid since 1995."

**Mr Lessard:** What year was that?

**Mr Martin:** It was 1995.

"The social stability enjoyed by Canadians for much of the past 25 years is starting to give way to increased inequities in the distribution of incomes."

If you think it's just the social justice centre that's talking about this, let's look very briefly at an article that showed up in the business section of today's Toronto Star, which isn't known to be a left-wing newspaper or to be purporting left-wing ideology. It says, in an article written by David Crane today in the Toronto Star, "There is no dispute over the fact that executives and managers are getting better pay increases than ordinary employees." This is not to speak of the people who can't get jobs because there are no jobs for them to get. This is not to speak of those who are out of the workplace because of

the casualization of employment. This is talking about people who actually have jobs, and he's saying that there's no dispute that the top echelon are getting more and more increases than those ordinary employees.

This is the environment in which we're looking at this bill tonight, which is going to make some changes, some insignificant in many ways yet important changes, to the Fuel Tax Act and Gasoline Tax Act of Ontario.

There was one other piece in this paper that I wanted to bring to your attention which is interesting — some right-wing economists, speaking about things they could do to better the economy: "Raising the goods and services tax to help pay for lower taxes on capital gains and increased retirement savings limits for the rich.... Eliminating special tax breaks for the elderly, unemployed and those on welfare to pay for lower income tax rates for everyone." We know what that means. That means lower income taxes particularly for those who are at the top end of the scale.

To end my few thoughts here, I want to remind people that we as New Democrats do not believe that the income tax scheme is in any way in the best interests of the people of Ontario, and that at the end of the day if we don't reinvest in health care and education and in jobs, we'll all be worse off for it.

**The Deputy Speaker:** Comments or questions?

**Mr Lessard:** On a point of order, Speaker: I don't believe we have a quorum. I'd like you to check.

**The Deputy Speaker:** Would you check if there's a quorum present, please.

**Clerk Assistant:** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Deputy Speaker:** The Chair recognizes the member for Northumberland.

**Mr Galt:** I was interested to listen to the usual kind of speech to come from the member for Sault Ste Marie. He's becoming something like the member for St Catharines in that you can almost tell what he's going to have in his speech; it's consistent, if nothing else.

He talked about the growing gap between the rich and the poor. That's why this government, very progressively with our income tax cuts, gave those in the bottom 10%, those under \$15,000, a 49.6% cut, while those over \$255,000, only a half percentage point, ended up with only an 18% cut. That's a significant difference, and I'm sure the member for Sault Ste Marie appreciates that significant difference in the variations.

I think it would be interesting for the member for Sault Ste Marie to know that if you look at the average in Canada and the average in the US, here in Canada our unemployment is double what it is in the US, and at the same time we pay twice as much to people who don't work. Whether they're on welfare or on unemployment, we pay double the amount for them not to work. There's a very significant figure there when you see that our unemployment is also double what it is, on average, in the US. Your government was very prepared to pay people to sit at home. I can give you all kinds of testimonials of



people who have been on workfare. They're very pleased with getting out into the workforce and having a recommendation from a supervisor.

I think you've recently read about the boondoggle that you people had in public housing, some \$5 billion that's missing over your public housing, not to mention the \$60 million that disappeared from the northern Ontario heritage fund during your term in office. I think those are some of the things you should be addressing as the member for Sault Ste Marie.

2120

**Mr Michael Brown:** I always enjoy the presentation by the member for Sault Ste Marie, and always kind of shake my head a little bit with the member from Laffer, or whatever that curve is called, on the other side.

As we debate this fuel bill that's here before us, one of the things that is perplexing to many of us is that since about 1990 the amount of money collected through gasoline and fuel taxes, which used to roughly parallel the expenditures of the province of Ontario on our roads, has steadily declined. In other words, the revenue that we bring in from fuel and gasoline taxes now far exceeds the amount of dollars that we pay to keep our roads in good condition.

I know, for my constituents in northern Ontario, we would like to see an improved relationship. We would like to see more money spent on improving our infrastructure. I remember making a presentation here in the House about two years ago. I had been talking to my friend Rick McCutcheon from the Manitoulin Expositor and he had conveyed to me that a tourist had told him that the stretch of Highway 17 between Sudbury and Sault Ste Marie was the worst stretch of Trans-Canada Highway in Canada. This person had driven from one end to the other and that stretch of 17 was the worst. We've seen some improvements in the last little while, and I'm happy about that, and we will continue pushing for those improvements. But clearly roads and the condition of those roads are paramount in the minds of my constituents and, I'm sure, in the minds of those in Sault Ste Marie.

**Mr Lessard:** I want to compliment the member for Sault Ste Marie for his very eloquent remarks this evening. I respect the member for Sault Ste Marie as being the social conscience of this place on many issues. It's important to hear that point of view, and I hope that the government members are listening as well, because he's talking about that growing gap between the rich and the poor, a gap that is growing because of the tax policies of this government. What we're debating here tonight is another tax bill.

We need to debate that in the context of the entire Tory tax scheme, a tax scheme that benefits those who are the most well off and really kicks in the teeth those people who are down. The member for Northumberland seems to suggest that a 21% cut to those on social assistance really wasn't enough. We're actually providing too much assistance to those who find themselves losing their employment because of changes that this government is promoting in the economy and maybe we should eliminate all supports

whatsoever. Maybe that's his sort of suggestion for improvements. We in the New Democratic Party fundamentally disagree with that. That's why we've said clearly what we would do with that Tory tax scheme, a tax scheme that the Liberals, by the way, say they wouldn't interfere with one bit.

The member for Sault Ste Marie also talked about what the provincial government could go do to control gasoline prices for consumers who are faced with huge price increases just before a long weekend, but this government continues to say they have no ability to regulate those prices. We know that's wrong. They're doing it in Prince Edward Island. This government can do it, but they refuse.

**Mr Gilchrist:** It's my pleasure to add a couple of comments to the presentation made by the member for Sault Ste Marie. As my colleague from Northumberland suggested, it's a little difficult talking about this bill in response, because the member varied off topic into a wide variety of other challenges that he sees have been made to the taxpayers.

Obviously, one of the issues he's touched upon is in terms of fairness. We believe we've gone about as far down the road in terms of bringing tax fairness as the \$11 billion deficit we inherited would allow us.

What the member opposite knows is that at the same time, the federal Liberal government continues to rip off the taxpayers of Ontario to the tune of over \$2.5 billion a year. Heaven knows the potential that we could put those dollars to, the various ills that would solve in our society, the continued progress towards a balanced budget and, once we've hit surpluses, obviously the attendant savings, the interest expense that would be saved every year from that point onwards.

I am surprised the member continues to focus his comments and his criticisms on the only level of government in this province that has made any moves towards giving more money to those who are less fortunate, to cutting the taxes they face. At the same time we see municipalities increasing their taxes by as much as 17% and we see the federal government continuing to take far more money from Ontarians per capita than they take from any other citizens in this country. Then they turn around and give less of it back to Ontario than they give to any other province. The bottom line is that we can't do it alone. We recognize that there is still progress to be made but we know we've done our bit. Call on the federal Liberals to follow us in that example.

**The Deputy Speaker:** The member for Sault Ste Marie has two minutes to respond.

**Mr Martin:** I want to thank the members for Scarborough East, Northumberland, Algoma-Manitoulin and Windsor for taking the time to get up and respond to my brief comments.

The member for Algoma-Manitoulin reminds me that if the agenda of this government were as good as they say it is, then all the Third World countries would be just roaring successes, and we know in fact that's not the truth. It's interesting to listen to the members for Northumberland and Scarborough East try to justify a regime

that is creating an ever-growing gap between the rich and the poor in this province.

This bill, among other things — this has been confirmed by ministry officials — is a small revenue increase. I said in my remarks that it's not as big as the increase we have seen in taxes across this province by way of the copayment that seniors now have to pay for their drugs, that we in the north now have to pay the price of licence plates, the money that property owners are now having to cough up because of the download on to municipalities and communities. These are all things that have contributed in a very serious and growing way to the gap that's beginning to grow wider and wider in this province between the rich and the poor.

The members across the way talk about the income tax scheme, the income tax break they're giving everybody. The rich, yes, get a fairly substantial and significant amount of that. The poor get a smaller amount and in some instances no relief whatsoever, but they sure get hammered by the taxes this government has introduced by way of the copayment on drugs, by way of the download on to property taxes, by way of the newly instituted cost of licence plates for northerners. If this is what they mean by tax fairness, we don't want any of it.

**The Deputy Speaker:** It being almost 9:30, this House stands adjourned until 1:30 tomorrow afternoon.

*The House adjourned at 2128.*



# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Chris Stockwell

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Clerk Assistant / Greffière adjointe: Deborah Deller

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Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Algoma-Manitoulin	Brown, Michael A. (L)	Guelph	Elliott, Brenda (PC)
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Brampton North / -Nord	Spina, Joseph (PC)	Halton North / -Nord	Chudleigh, Ted (PC)
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Brant-Haldimand	Preston, Peter L. (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Brantford	Johnson, Ron (PC)	Hamilton Mountain	Pettit, Trevor (PC)
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Carleton	<b>Sterling, Hon / L'hon Norman W. (PC)</b> Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Huron	Johns, Helen (PC)
Carleton East / -Est	Morin, Gilles E. (L)	Kenora	Miclash, Frank (L)
Chatham-Kent	Carroll, Jack (PC)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
Cochrane North / -Nord	Wood, Len (ND)	Kitchener	Wettlaufer, Wayne (PC)
Cochrane South / -Sud	Bisson, Gilles (ND)	Kitchener-Wilmot	Leadston, Gary L. (PC)
Cornwall	Cleary, John C. (L)	Lake Nipigon / Lac-Nipigon	Pouliot, Gilles (ND)
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Dovercourt	Silipo, Tony (ND)	Lanark-Renfrew	Jordan, W. Leo (PC)
Downsview	Castrilli, Annamarie (L)	Lawrence	Cordiano, Joseph (L)
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Essex-Kent	Hoy, Pat (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Essex South / -Sud	Crozier, Bruce (L)	Mississauga North / -Nord	<b>Snobelen, Hon / L'hon John (PC)</b> Minister of Natural Resources / ministre des Richesses naturelles
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Etobicoke-Lakeshore	Kells, Morley (PC)	Mississauga West / -Ouest	<b>Sampson, Hon / L'hon Rob (PC)</b> Minister without Portfolio (Privatization) / ministre sans portefeuille (privatisation)
Etobicoke-Rexdale	Hastings, John (PC)	Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	Grimmett, Bill (PC)
Etobicoke West / -Ouest	<b>Stockwell, Hon / L'hon Chris (PC)</b> Speaker / Président		
Fort William	McLeod, Lyn (L)		
Fort York	Marchese, Rosario (ND)		
Frontenac-Addington	Vankoughnet, Bill (PC)		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean	Baird, John R. (PC)	Sarnia	Boushy, Dave (PC)
Niagara Falls	Maves, Bart (PC)	Sault Ste Marie /	
Niagara South / -Sud	Hudak, Tim (PC)	Sault-Sainte-Marie	Martin, Tony (ND)
Nickel Belt	Morin, Blain K. (NDP)	Scarborough-Agincourt	Phillips, Gerry (L)
Nipissing	<b>Harris, Hon / L'hon Michael D. (PC)</b> Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Scarborough Centre / -Centre	Newman, Dan (PC)
Norfolk	Barrett, Toby (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Northumberland	Galt, Doug (PC)	Scarborough-Ellesmere	Mushinski, Marilyn (PC)
Oakville South / -Sud	Carr, Gary (PC)	Scarborough North / -Nord	Curling, Alvin (L)
Oakwood	Colle, Mike (L)	Scarborough West / -Ouest	Brown, Jim (PC)
Oriole	Caplan, David (L)	Simcoe Centre / -Centre	Tascona, Joseph N. (PC)
Oshawa	Ouellette, Jerry J. (PC)	Simcoe East / -Est	McLean, Allan K. (PC)
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Ottawa East / -Est	Grandmaître, Bernard (L)		Bartolucci, Rick (L)
Ottawa-Rideau	Guzzo, Garry J. (PC)	Sudbury	Martel, Shelley (ND)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Sudbury East / -Est	Ramsay, David (L)
Ottawa West / -Ouest	Cullen, Alex (Ind)	Timiskaming	<b>Hodgson, Hon / L'hon Chris (PC)</b> Minister of Northern Development and Mines, Chair of the Management Board of Cabinet / ministre du Développement du Nord et des Mines, président du Conseil de gestion
Oxford	Hardeman, Ernie (PC)	Victoria-Haliburton	<b>Witmer, Hon / L'hon Elizabeth (PC)</b> Minister of Health / ministre de la Santé
Parkdale	Ruprecht, Tony (L)		Kormos, Peter (ND)
Parry Sound	<b>Eves, Hon / L'hon Ernie L. (PC)</b> Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Waterloo North / -Nord	Arnott, Ted (PC)
Perth	Johnson, Bert (PC)	Welland-Thorold	Doyle, Ed (PC)
Peterborough	Stewart, R. Gary (PC)	Wellington	Skarica, Toni (PC)
Port Arthur	Gravelle, Michael (L)	Wentworth East / -Est	<b>Harnick, Hon / L'hon Charles (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Prescott and Russell /		Wentworth North / -Nord	Kwinter, Monte (L)
Prescott et Russell	Lalonde, Jean-Marc (L)	Willowdale	Lessard, Wayne (ND)
Prince Edward-Lennox-			Pupatello, Sandra (L)
South Hastings /		Wilson Heights	Duncan, Dwight (L)
Prince Edward-Lennox-		Windsor-Riverside	<b>Palladini, Hon / L'hon Al (PC)</b> Minister of Economic Development, Trade and Tourism / ministre du Développement économique, du Commerce et du Tourisme
Hastings-Sud		Windsor-Sandwich	Parker, John L. (PC)
Quinte	Fox, Gary (PC)	Windsor-Walkerville	<b>Turnbull, Hon / L'hon David (PC)</b> Minister without Portfolio / ministre sans portefeuille
Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique	York Centre / -Centre	Klees, Frank (PC)
	Conway, Sean G. (L)		Sergio, Mario (L)
	Churley, Marilyn (ND)		Kennedy, Gerard (L)
Renfrew North / -Nord		York East / -Est	
Riverdale		York Mills	
S-D-G & East Grenville /	<b>Villeneuve, Hon / L'hon Noble (PC)</b> Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales, ministre délégué aux Affaires francophones	York-Mackenzie	
S-D-G et Grenville-Est	<b>Bassett, Hon / L'hon Isabel (PC)</b> Minister of Citizenship, Culture and Recreation / ministre des Affaires civiques, de la Culture et des Loisirs	Yorkview	
St Andrew-St Patrick	Bradley, James J. (L)	York South / -Sud	
St Catharines	Froese, Tom (PC)		
St Catharines-Brock	<b>Leach, Hon / L'hon Al (PC)</b> Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		
St George-St David			

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



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Second Session, 36<sup>th</sup> Parliament

**Assemblée législative  
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Deuxième session, 36<sup>e</sup> législature

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(Hansard)**

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**Wednesday 4 November 1998**

**Mercredi 4 novembre 1998**

**Speaker**  
Honourable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Président**  
L'honorable Chris Stockwell

**Greffier**  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 4 November 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 4 novembre 1998

*The House met at 1331.*

*Prayers.*

### MEMBERS' STATEMENTS

#### MENTAL HEALTH SERVICES

**Mr Frank Miclash (Kenora):** My statement today is directed to the Premier, and it's regarding the lack of psychiatric services in my region. I have to ask if anybody is really listening out there, because it sure doesn't seem to be that way.

Speaker, I have raised this issue in this House on a good number of occasions and you will know that. I have to tell the Premier and the Minister of Health that this issue is not going away. In northwestern Ontario we still, believe it or not, have psychiatric patients being locked up in jail. I just don't know how to get that through to the Premier.

Let me tell you what Mark Balcaen, the executive director of the Lake of the Woods hospital, had to say in his letter to the Premier. He said, "There is a growing frustration over the lack of response from the Ministry of Health for on-call coverage for psychiatry."

He goes on to say:

"Frustration stems from the delay in receiving any word on recommendations following a review of psychiatric services conducted by a consultant hired by the ministry. The review took place June 30."

Here we are on November 4 — still no psychiatric on-call services.

When one of the boards questioned the administrator about where the issue was going, he said it had been raised many times. He goes on to say, "The Premier seems to have lit a fire under the Minister of Health and we are hopeful" that some activity will resolve issues of health care.

#### HOMELESSNESS

**Mr Rosario Marchese (Fort York):** I'm making a statement on behalf of Ted Kapusta. Ted was injured in February 1985. His left hand was amputated, leaving only a thumb. The plant closed in 1989. He went to UIC, and when it ran out they put him back to the Workers' Compensation Board. At the WCB, he was retrained as a computer operator and had one job placement in 1994.

That lasted as long as the WCB would pay the employer. He has applied for jobs and has written letters and not received one interview.

He gets a \$600-a-month pension. He has lived for 20 years in his apartment and pays \$520 a month rent. He has survived for several years with the help of family. His mother is also an injured worker on 60% pension and on dialysis.

This is an example of how homelessness is not only about people who are discharged from psychiatric hospitals or have problems with substance abuse.

He can't get family benefits because he's not medically unemployable. He cannot get social housing because the Harris government has stopped producing social housing and the waiting list is years long. He can't get a job, because the WCB no longer gives any active help and the Harris government has repealed employment equity.

He says:

"Mr Harris, your policies did this to me and are doing it to thousands of other ordinary Ontarians. I thought you represented all of us. Please explain this to me because I do not understand.

"Formerly of Etobicoke; now homeless."

#### ALBERTO FUJIMORI

**Mr Peter L. Preston (Brant-Haldimand):** On Thursday, October 29, I had the distinct honour of meeting with Mr Alberto Fujimori, the President of Peru, at which time I welcomed him on behalf of the Premier and the province of Ontario.

This was the first official visit of a Peruvian president to Canada. Yes, he was here for consultation during the hostage crisis, which he settled typically with his do-it style, but this was the first in an official capacity.

President Fujimori's leadership since 1990 and his "see a problem — fix it" attitude have seen great strides in health, education, welfare and diplomacy. His willingness to enter into talks with Ecuador and solve a 170-year-old border dispute is evidence of his wish to fight poverty rather than his neighbours. This accord was signed less than two weeks ago.

His achievements are too many to list with the time allotted, but through various reforms and privatization — Hydro Peru, Telephone Peru and the old age pension plan — the President has led Peru to growth of 41% since 1993, the highest in Latin America. Exports grew by 92%, and inflation dropped from 7,650% to 6.5% in 1997.



A great number of President Fujimori's initiatives parallel the Common Sense Revolution, and the same positive results are either evident or expected.

All these factors will only mean a greater accord between Peru and Canada.

### SIKH RELIGION

**Ms Annamarie Castrilli (Downsview):** Today marks an important date for members of Ontario's Sikh community. They join Sikhs all over the world in observing the holiest day on their religious calendar. This is the anniversary of the birth of Guru Nanak Dev, who was born on this day in 1469 in the village of Rai Bhoe Ki Talwandi, Pakistan.

Guru Nanak Dev founded a religion that is today practised by more than 15 million people worldwide and several hundred thousand people in Canada.

Sikhism, as Guru Nanak Dev founded it and as it is practised today, is a way of life based on firm conviction. It seeks universal brotherhood. Its object is to create spiritual kinship and unity among all peoples. It believes that salvation is possible for all through devotion to God and a moral, responsible and selfless lifestyle.

Because of their strong beliefs and values, the more than 200,000 Sikhs in Ontario have made, and continue to make, strong contributions to our province. An education-minded people with an irresistible thirst for knowledge, they excel in all of the professional fields. They strongly believe in the equality of men and women of all races. They are family-oriented and self-sufficient. They give generously to their own institutions and to causes in the broader society.

Let us today reflect on the teachings of Guru Nanak Dev, who proclaimed the oneness of all peoples, religions and cultures, and let me say that it is a great privilege for me personally and for the Liberal Party of Ontario to recognize this very important day and this very important people.

### GOVERNMENT CONSULTANTS

**Mr Tony Martin (Sault Ste Marie):** Speaker, I rise today to share with you, with my colleagues in this place and the people out there across Ontario how shocked I was yesterday at the revelation in the auditor's report about the Andersen contract and this government and the Ministry of Community and Social Services.

This is a continuation of the unrelenting attack on the poor in this province. When you consider the report of the Centre for Social Justice last week, which spoke of the growing gap between the rich and the poor, and its reference to the government's role in the widening of that gap, this is a shocking indictment of this government's deliberate, well-orchestrated, thoughtful and planned attack on the poor, those who are the most marginalized and vulnerable in our province, starting with the reduction of their income by 22%, the taking away of the nutritional supplement for pregnant mothers, the shutdown of all support

and counselling opportunities. And now this: a contract with a high-priced, American gun-for-hire corporation to suck even more money out of the pockets of the poor and the communities they live in.

This is shameful. This is disgraceful. This is immoral and unethical. It is not in keeping with the Canadian story in any way, shape or form. This government should resign.

1340

### CRIMINAL SENTENCING

**Mr Frank Klees (York-Mackenzie):** Bill C-251, An Act to amend the Criminal Code and the Corrections and Conditional Release Act, introduced in the federal House of Commons by Albina Guarneri from Mississauga East, recently passed second reading with all-party support.

This bill provides for the imposition of consecutive sentences where a person commits sexual assault against multiple victims or where the person is already serving another sentence at the time.

It also provides that a person sentenced to life imprisonment for first- or second-degree murder is not eligible for parole until the person has served, in addition to the portion of sentence that the person must serve for murder, one third or a maximum of seven years of any other sentence imposed on the person for an offence arising out of the same events or that the person is already serving.

The mandatory portion of each life sentence imposed on a person who is convicted of a second murder must be served consecutively before that person is eligible for parole.

This bill will finally put to an end the volume discounts for murderers and rapists. It recognizes that each sentence must apply to a specific crime and that the horror suffered by the victim is not less because they were the second, third or fourth victim. It is time that justice was found for the victims and not the predators in our society.

I urge the members of this House to contact their federal counterparts and —

**The Speaker (Hon Chris Stockwell):** Thank you.

### MEMBERS' CONDUCT

**Mr John Gerretsen (Kingston and The Islands):** Mr Speaker, I would like to draw to your attention a matter which I know will be of interest to you. In fact I have a copy for you.

I have a news release from the Queen's Alma Mater Society, which represents 11,000 undergraduate students at Queen's, in which they express their outrage and disappointment with the member for Nepean, and I must say that I share their disappointment as well.

Let me read to you an excerpt from this release:

"While" David "Caplan," member for Oriole, "asked the question" about OSAP funding "Baird held up a sign that read 'Mom, send money.'"

Tom Stanley, president of the QAMS, called the sign a disgrace. I quote:

"Mr Baird's insensitivity to students in need was absolutely disgraceful. We had a student there who is going to have to drop out of school in January if he doesn't receive financial assistance. Mr Baird's arrogance was in very poor taste."

Baird's sign-waving comes on the heels of another insensitive comment by Premier Mike Harris this week in St Catharines. When asked a question about student debt in Ontario the Premier said, "They'll just have to put off buying the BMW for one more year."

These comments are typical of the disregard and contempt that Harris and company have for the people and students of Ontario.

It's time the member for Nepean apologized to Queen's students and to all the students in Ontario. It's time that this Premier and the member for Nepean understood that not everyone is born with a silver spoon in their mouth. Shame on the Premier, shame on the member for Nepean.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** All right, come to order, members for Windsor-Walkerville, Oriole, Yorkview.

## COLLÈGE BORÉAL

**Ms Shelley Martel (Sudbury East):** The acting president of Collège Boréal in Sudbury recently wrote to me to describe the serious funding shortfall now facing the college.

This college, like the two other French colleges in Ontario, receives money from the official languages in education program. The program began in 1989 to help the startup of La Cité collégiale in Ottawa. In 1993 our NDP government renewed the Canada-Ontario agreement and invested significant funds in the creation of Collège Boréal and Collège du Grand Lacs in Niagara.

The terms of that agreement ended on March 31. Negotiations between the federal Liberal government and the provincial Conservative government should have begun long before that to ensure ongoing support to the new colleges.

Instead, negotiations only began in September. The first thing that happened was the Chrétien Liberal government announced it would not contribute any funds to the three colleges this year. The Harris government said it wouldn't contribute either if Ottawa was not involved. We now have a situation where Collège Boréal is short \$2.8 million this year and will have to cut programs in the middle of the school year to make ends meet. All three colleges have requested emergency funding from the federal Liberals and provincial Conservatives. I understand that to date there has been no positive reply to this request.

This situation is ridiculous. If the Chrétien and Harris governments are truly committed to these three French colleges, then both governments will provide emergency funding and both must renew an agreement that will adequately support these institutions for the next five years.

## MEMBERS' CONDUCT

**Mrs Helen Johns (Huron):** On a point of order, Mr Speaker: I am particularly concerned about the personal slams that are going on in these 90-second statements. Could you comment on the validity of being able to talk about the member for Nepean as such? I think it was really unorthodox of the member from Kingston to do that.

**The Speaker (Hon Chris Stockwell):** The fact is —

**Mr Bud Wildman (Algoma):** You can be unorthodox and parliamentary at the same time.

**The Speaker:** Member for Algoma.

The member has a point of order. She's right. Members' statements aren't meant to include personal attacks. They are meant as statements about their ridings or about goings-on within the province. I will say that was the original plan in, I think, 1985, when they were first introduced. I would only say to the members that they were designed for that and they weren't designed for that kind of partisan take on things. I appreciate the fact that the member brings it forward.

*Interjections.*

**The Speaker:** Members in the opposition benches, the standing orders are written very clearly and I will read them if you like, but it's all there.

**Mr Wildman:** We are not to be partisan? Where do the rules say we are not to be partisan?

**The Speaker:** The fact is, if you want to read the standing orders, you can. The member has a point of order. I would ask the members to stand by the standing orders.

**Mr John Gerretsen (Kingston and The Islands):** On a point of privilege, Mr Speaker.

**The Speaker:** No. Of order, possibly.

**Mr Gerretsen:** And also a point of privilege, both.

**The Speaker:** For a point of privilege, you have to give it to me an hour before the House sits.

**Mr Gerretsen:** On a point of order, Mr Speaker: My statement was taken directly from a news release, a press release issued by the AMS, the undergraduate society which represents 11,000 students at Queen's. Every word that I said in there referring to the member for Nepean was taken directly from the quotes that are attributed in this news release.

**The Speaker:** You know what? I'm not arguing with you with respect to where you got the quotes and I'm not arguing as to how you got them.

*Interjection.*

**Mr Gerretsen:** You ought to be ashamed.

**The Speaker:** Order. Members for Kingston and The Islands and York-Mackenzie, come to order, please. I'm going to get the standing order and I'll read the standing order in a few moments, and possibly that can help alleviate this concern.

Member for Kingston and The Islands, I'm not questioning whether or not you got it properly. It was properly distributed. I'm only suggesting to you, as the standing orders read, the member for Huron has a proper point of order.



## REMEMBRANCE DAY

**Mrs Julia Munro (Durham-York):** Next week we will observe Remembrance Day in honour of the memory of Canada's courageous war dead and of our veterans who fought in defence of our rights and freedoms. We will remember all those Canadians who, in the words of John McCrea's poem, "lie in Flanders fields" and in other places where "the poppies blow / Between the crosses, row on row, / That mark our place...."

One of those places is Holland. Students in Holland continuously learn about the historic role Canada played in their country's liberation. Dutch students have a living relationship with that history as they maintain the graves of Canadian soldiers and send tulips to Canada in their honour.

I submit that it is as important for Canadian students to deepen their awareness of the meaning of Remembrance Day. This is why I am today initiating a province-wide petition in partnership with Ontario veterans' associations to develop a special Remembrance Day curriculum for all grades in our education system. This curriculum will help our youth forever remember the courageous memory and sacrifice of Canada's war dead and veterans. I ask all members of the House to support this petition.

I believe the following words of McCrae's poem speak to us and to our youth today:

To you from failing hands we throw  
The torch; be yours to hold it high.  
If ye break faith with us who die  
We shall not sleep, though poppies grow  
In Flander's fields.

1350

## MEMBERS' CONDUCT

**Mr Gerry Phillips (Scarborough-Agincourt):** On a point of order, Mr Speaker: On the point you raised earlier about the use of members' statements, I would appreciate it if you would clarify. The reason I raise that is that I think there are many examples of it. Last week in the House, Mr Speaker, you may remember, the member for Halton North referred to the member for Downsview, and it was a similar issue. I do think that we will need clarification from you of what is and is not, in your mind, permissible under members' statements, because there are several.

**The Speaker (Hon Chris Stockwell):** I appreciate the opportunity, member for Scarborough-Agincourt. Let me just say off the top, I didn't want to get too far into it because the history and tradition of the place has been that a lot of latitude has been provided in members' statements. But when they're brought forward or brought up like the member for Huron did, the Speaker has no alternative then but to interpret the standing orders and the rulings.

Now, I'm working from memory, but the standing order is 31(b), and the ruling was by, I think, Edighoffer. There

are four different rulings, so I don't have to work from memory any more; four rulings, two by Speaker Edighoffer and two by Speaker Warner. I can't imagine who Mr Warner was talking about, actually.

**Mr Bud Wildman (Algoma):** He was talking about you.

**The Speaker:** "Members' statements should not be used to make personal attacks against any member," cited on April 30, 1986, by Speaker Edighoffer; November 2, 1988, Speaker Edighoffer; November 26, 1990, Speaker Warner; May 27, 1991, Speaker Warner.

Let me say, no side of the House has proven any better than other sides. We know full well that we've taken advantage of the situation on both sides.

Those are the rulings. I've been less than vigilant on it, but now that it has been brought up, now that all members understand it, I'll try to keep a closer eye on it. I appreciate the opportunity.

We have two points of order.

**Mr Wildman:** On a point of order, Mr Speaker: For clarification, then you're saying that according to the rulings, your ruling and previous rulings, members should not use members' statements for personal attacks against other members but it is in order for us to be partisan.

**The Speaker:** I would never rule partisanship out of order. If I ruled partisanship out of order, we wouldn't be here, I guess.

No, you're right. Maybe I misspoke myself when I said "partisan." What I meant was personal attacks.

**Mr John Gerretsen (Kingston and The Islands):** Mr Speaker, on the same point of order: I repeat that my statement merely reiterated the actions of the member for Nepean —

*Interjections.*

**The Speaker:** Order. Member for Kingston and The Islands, please sit down.

**Mr Peter L. Preston (Brant-Haldimand):** He is going to force you to be a gentleman for 15 minutes.

**The Speaker:** Member for Brant-Haldimand. Thank you.

I think what I'm trying to point out to you, member for Kingston and The Islands, is that I appreciate where you're coming from on that particular statement, but I'm saying to you that I consider that to be a personal attack, and that's what it comes down to.

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: You know I've sat in this House for a long period of time —

**Mr Wildman:** Too long.

**Hon Mr Sterling:** Yes, some would say too long. I'm particularly concerned, and I always have a concern, when a member challenges another member who is not here. I feel that I must speak on behalf of Mr Baird, who is attending his grandmother's funeral and cannot be here to defend himself.

**The Speaker:** Thank you.

**Mr Phillips:** A point of order, Speaker.

**The Speaker:** Is this a different point of order, member for Scarborough-Agincourt? Are you up on the same point of order?

**Mr Phillips:** The same point of order. Just to respond to the government House leader, I'd say that last week there was a similar personal attack on one of our members, who was not here, who was not in the House, and so —

**The Speaker:** Government House leader and member for Scarborough-Agincourt, please take your seats. I think you're both right. There have been incidents on both sides of this House. No one is pure on this issue, so let's just leave it at this. In future we'll deal with it, from this day on. I don't think there's any point in comparing past histories, because they're all checkered.

### PROVISION OF INFORMATION

**Mr David Ramsay (Timiskaming):** On a point of privilege, Mr Speaker: Pursuant to section V, subsection 21(a) of the standing orders of the Legislative Assembly, I rise today on a point of privilege. I believe the rights and privileges granted to me as a duly elected member of the Ontario Legislature have been abused by the government. As a permanent member of the administration of justice committee of the Ontario Legislature, I am charged with the duty to give due consideration to government legislation placed before that committee. Legislation is referred to committees of our Legislature to gather public comment and expert advice in order to give due consideration to each bill. Amendments are then moved based on that knowledge.

When Bill 75, the Alcohol, Gaming, and Charity Funding Public Interest Act, 1996, was being considered by this Legislature and its committee, the government had in its possession a major legal brief commissioned by the Ontario Lottery Corp that offered the opinion that the private operator model of gambling employed by the Ontario government was contrary to the Criminal Code. Chris Hodgson stated in an October 31 Toronto Star article that, "There are other legal opinions that disagree with that report."

I believe my rights and privileges have been abused by the contempt the government holds for the legislative process. My integrity and the integrity of the legislative process has been corrupted by the government through the withholding of expert opinion from legislative scrutiny. I believe that to feed its voracious appetite for revenues, the government purposely obstructed our free and open legislative process.

While I realize the government is not compelled to provide information to the Legislative Assembly, I believe in this case, when the government's advice was that this bill contradicts the Criminal Code and therefore was possibly an illegal act, that I and all members are now complicit in executing that illegal act. Mr Speaker, therefore I ask you on behalf of all of us who sit in this assembly to consider my point and render a decision.

**The Speaker (Hon Chris Stockwell):** I want to say first off that I appreciate the opportunity you've given me an hour beforehand to review your point of privilege. Let me state very clearly that there are only two ways I can entertain that point of privilege. The two ways are if this Legislature directed the minister to provide that legal opinion to this place or the committee and he didn't do that; or if the committee itself directed the minister to provide this to them and he didn't do that and the committee voted to take it to this House.

Those are the only two ways, in my opinion, that I can see that would allow me to even entertain that point of privilege. Seeing that neither of those things happened, it's an issue that you must take up at committee. If you take it up at committee and a majority of members of committee believe and feel the same way you do and then vote a majority to bring it to this House, I can seize control of the issue. Unless that happens, I have no way of dealing with it.

Once again, I want to thank you for bringing forward that early.

*Interjection.*

**The Speaker:** I know. I'm with you on that one.

### VISITORS

**The Speaker (Hon Chris Stockwell):** It's bring your child to work day today. If anyone has brought their child to work today, I think it's important that we recognize them; otherwise, if I don't, we'll be breaking up the meeting all day. I want to introduce Mr Michael Marchese in the gallery, who is here with his father, working very hard, I'm sure. In the back we've got Mr Liam McGuinty. Is he still here? He came with his dad.

Anybody else? OK, those are the two. If any more come in, you're more than welcome to stand up and introduce them. I see the member for Oxford motioning. Please go ahead.

**Mr Ernie Hardeman (Oxford):** I would like to introduce my daughter, Megan, who is on the other side.

*Interjections.*

**The Speaker:** You know what? Next time you have that trouble I'll put her in the Speaker's gallery. It's not a problem.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon Chris Stockwell):** I beg leave to inform the House that today the Clerk received the 11th report of the standing committee on government agencies. Pursuant to standing order 105(g)(9), the report is deemed to be adopted by the House.



## INTRODUCTION OF BILLS

MENTAL HEALTH  
AMENDMENT ACT, 1998LOI DE 1998 MODIFIANT LA LOI  
SUR LA SANTÉ MENTALE

Mr Patten moved first reading of the following bill:

Bill 78, An Act to amend the Mental Health Act /  
Projet de loi 78, Loi modifiant la Loi sur la santé mentale.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House that the motion carry? Carried.

**Mr Richard Patten (Ottawa Centre):** This bill, An Act to amend the Mental Health Act, is an attempt to help those persons who have serious mental illnesses and who have had a revolving-door experience, with often sad and tragic results. The intent is to provide them and their families with the best possible supervision, care and treatment while balancing their medical needs and rights with the public at large.

## DEFERRED VOTES

NORTHERN SERVICES  
IMPROVEMENT ACT, 1998LOI DE 1998 SUR L'AMÉLIORATION  
DES SERVICES PUBLICS  
DANS LE NORD DE L'ONTARIO

Deferred vote on the motion for third reading of Bill 12, An Act to provide choice and flexibility to Northern Residents in the establishment of service delivery mechanisms that recognize the unique circumstances of Northern Ontario and to allow increased efficiency and accountability in Area-wide Service Delivery / Projet de loi 12, Loi visant à offrir aux résidents du Nord plus de choix et de souplesse dans la mise en place de mécanismes de prestation des services qui tiennent compte de la situation unique du Nord de l'Ontario et à permettre l'accroissement de l'efficacité et de la responsabilité en ce qui concerne la prestation des services à l'échelle régionale.

**The Speaker (Hon Chris Stockwell):** Call in the members; this will be a five-minute bell.

*The division bells rang from 1401 to 1406.*

**The Speaker:** All those in favour please rise one at a time and be recognized by the Clerk.

## Ayes

Arnott, Ted  
Barrett, Toby  
Bassett, Isabel  
Beaubien, Marcel  
Bisson, Gilles  
Boushy, Dave  
Boyd, Marion  
Carr, Gary  
Chudleigh, Ted

Grimmett, Bill  
Guzzo, Garry J.  
Hampton, Howard  
Hardeman, Ernie  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Johnson, David

Palladini, Al  
Pouliot, Gilles  
Preston, Peter  
Rollins, E.J. Douglas  
Runciman, Robert W.  
Sampson, Rob  
Shea, Derwyn  
Sheehan, Frank  
Silipo, Tony

Clement, Tony  
Cunningham, Dianne  
Danford, Harry  
Doyle, Ed  
Ecker, Janet  
Eves, Ernie L.  
Fisher, Barbara  
Flaherty, Jim  
Ford, Douglas B.  
Fox, Gary  
Froese, Tom  
Galt, Doug  
Gilchrist, Steve

Jordan, W. Leo  
Kells, Morley  
Klees, Frank  
Leach, Al  
Marchese, Rosario  
Marland, Margaret  
Martel, Shelley  
Martiniuk, Gerry  
Miclash, Frank  
Morin, Blain K.  
Munro, Julia  
Mushinski, Marilyn  
O'Toole, John

Snobelen, John  
Spina, Joseph  
Sterling, Norman W.  
Tilson, David  
Tsubouchi, David H.  
Turnbull, David  
Villeneuve, Noble  
Wettlaufer, Wayne  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob

**The Speaker:** All those opposed please rise one at a time and be recognized by the Clerk.

## Nays

Agostino, Dominic  
Bartolucci, Rick  
Brown, Michael A.  
Caplan, David  
Castrilli, Annamarie  
Cleary, John C.  
Colle, Mike  
Conway, Sean G.

Cordiano, Joseph  
Crozier, Bruce  
Duncan, Dwight  
Gerretsen, John  
Grandmaitre, Bernard  
Gravelle, Michael  
Kennedy, Gerard  
Kwinter, Monte

McGuinty, Dalton  
McLeod, Lyn  
Patten, Richard  
Phillips, Gerry  
Ramsay, David  
Ruprecht, Tony  
Sergio, Mario

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 64; the nays are 23.

**The Speaker:** I declare the motion carried.

Resolved that the bill do now pass and be entitled as in the motion.

## ORAL QUESTIONS

## HOSPITAL RESTRUCTURING

**Mr Dalton McGuinty (Leader of the Opposition):** My question is to the Minister of Health. Earlier today your boss, Mike Harris, made a stunning public admission. He said it was true that he had broken his promise, that he had failed to keep his word when it came to the matter of health care in Ontario. To be more specific, he said it was absolutely true that he failed to keep his promise about not closing hospitals in Ontario. He specifically said that today publicly. You tell me, Minister, why should anybody in this province today rely on anything that you or the Premier is about to commit to in terms of health care for purposes of the next provincial election? He broke his promise in the past; there is every reasonable expectation that he will continue to do so in the future. Why should we believe him?

**Hon Elizabeth Witmer (Minister of Health):** Earlier today the Premier did speak to the Ontario Hospital Association, and he pointed out that when he was elected Premier he had the opportunity to review approximately 60 reports that had been provided for our government by district health councils and others. Of particular note was the one that came from the Toronto District Health Council, which indicated there was a need to eliminate some 10 hospitals. There was also an indication that a separate commission should be set up.

The Premier indicated that certainly, after having very carefully considered all the input that had been provided by people throughout the province, many of them urging that hospitals in their communities be merged and closed, we decided to set up the commission, an arm's-length body that would have the opportunity to respond to some of these —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr McGuinty:** Minister, many Ontarians relied on Mike Harris at the time of the last provincial election when he said that he would not close hospitals. You've decided that the best defence is to be offensive. He broke his word. He did not keep his promise. Why should we believe you now when you tell us that you're going to act in the interests of Ontarians with respect to their health care? That man said he wasn't going to close our hospitals; he's closing 45. Why should we believe you now?

**Hon Mrs Witmer:** Our Premier and our government have always indicated that we want to do everything we possibly can to strengthen health services in Ontario. We want to make sure that we bring services close to home, we want to make sure that we provide the services at every stage in the individual's life, and that is exactly what we are doing. We, as you know, have created more dialysis centres throughout this province in order that people who formerly had to drive an hour or two or three for four hours of dialysis a day can now receive dialysis in their own communities.

We saw this last week when we travelled to Woodstock. We met one young woman who had been receiving dialysis since age 12 and who was forced to temporarily stop her studies, who now was receiving dialysis services in her own community of Woodstock and wasn't being required to drive to London every day. These are the stories that we have heard, and that is the reason that we are doing everything we can to strengthen our health services.

**Mr McGuinty:** Mike Harris broke his promise. He failed to keep his word and Ontarians are paying the price.

*Interjections.*

**The Speaker:** Leader of the official opposition.

**Mr McGuinty:** Public confidence in public health care is at an all-time low in Ontario today and that's a direct result of Mike Harris breaking his promise.

*Interjections.*

**The Speaker:** Order, members on the government side. I think we should be able to hear his question.

**Mr McGuinty:** Waiting lists in this province are at an all-time high. People are stacked up in hospital corridors. Ambulances are being redirected from hospital to hospital. We've got people desperately trying to figure out a way to jump the queue so they can get their surgery or their diagnosis in a timely way. That's a direct result of Mike Harris's failure to safeguard health care for Ontarians.

Today he publicly admitted for the first time that he broke his promise, that he failed to live up to his word. I ask you one more time: Why should we believe you and, more importantly, why should we believe Mike Harris when he tells us that he's got health care and the interests

of Ontarians at heart in terms of the next provincial election?

**Hon Mrs Witmer:** I would say that our Premier is the one individual who actually has safeguarded health care. In fact we have increased our spending —

*Interjections.*

**The Speaker:** Minister.

**Hon Mrs Witmer:** Yes, our Premier is the only one to safeguard our health care in this province. We have increased health care funding from \$17.4 billion to almost \$19 billion this year, despite the fact that your federal colleagues have taken away, cut, slashed, about \$2.5 billion in health and social transfer payments.

We are proud of our record and we will do everything we possibly can to continue to strengthen health services in this province. We are responding to the 60 reports we had. We are moving forward to provide services in communities whether it's mental health, dialysis, building new cardiac centres, cancer centres, focusing on substance abuse, introducing Healthy Babies, Healthy Children, pre-school —

**The Speaker:** Thank you, minister. New question, official opposition.

1420

## SCHOOL CLOSURES

**Mr Dalton McGuinty (Leader of the Opposition):** A question to the Minister of Education: Over the past couple of days I have been spending time visiting community schools that are on the Mike Harris hit list. I've been talking to parents, students, teachers and principals.

I asked you yesterday if you would not accompany me, visit those schools and learn first-hand that community schools are a lot more than square footage, the cost of heating, the cost of lighting. They're the heart and soul of a community, and you have unleashed something the likes of which you have never experienced. Trust me on this one.

I have a very simple question for you, Minister: Will you set aside that ridiculous funding formula that bears no relationship whatsoever to the value of community schools in our communities?

**Hon David Johnson (Minister of Education and Training):** I will say that the previous government asked a former Liberal cabinet minister, John Sweeney —

*Interjection.*

**Hon David Johnson:** You do remember John Sweeney, a very well respected member of this House — to look at a number of issues around schools in Ontario. One of the observations that Mr Sweeney made was that too much of the money was being spent outside the classroom, about half of the money. This is a former Liberal member commissioned by the NDP. Too much money was spent outside the classroom.

We happen to agree, so the approach of this government is to focus the monies in the classroom; to insist on a reduction of funds going outside of the classroom — waste, administration — and focus that money in the



classroom to ensure an excellent opportunity for a better-quality education for all the children in Ontario.

**Mr McGuinty:** Parents and students regularly ask: "What advice does the Minister of Education have for us? What advice does the man who is closing our schools have for us?" I tell them, "What he has said is that you should cut back on your heating and your lighting and your cleaning expenses." In order to implement that policy, I'm just wondering if, as part of standard issue now for Ontario students, we might not provide them with a scrub brush to do their own cleaning, a candle that does both heating and lighting —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Minister.

**Hon David Johnson:** The member for Ottawa South says to trust him on this one. Is there any doubt about trust when stunts like this are pulled in the Legislature, politicizing a most serious issue faced by communities and parents?

I would say to those parents, fight the Nyberg list. We intend to fight the Nyberg list. Join us in fighting the Nyberg list. It is a wrong list; it has its priorities wrong. The boards should be looking at their administrative space, their administrative costs, their costs to run the schools, as the Provincial Auditor has said. The Provincial Auditor has said they've got their priorities wrong and they should be looking at increasing the community use in their schools to make their schools more viable. Fight the Nyberg list. That's what I say.

**Mr McGuinty:** Minister, out there where you fear to tread among those community schools, they don't talk about any lists other than —

*Interjections.*

**The Speaker:** Member for Scarborough East, withdraw that comment, please.

**Mr Steve Gilchrist (Scarborough East):** I will withdraw it.

*Interjections.*

**The Speaker:** Final supplementary, official opposition.

**Mr McGuinty:** Out there they're only talking about one list and that's the Harris list. Nobody else's list. You know what else? They're asking some very simple questions: How could the Minister of Education, how could the man charged with the special responsibility of the education of Ontario's children, be involved implicitly in a project to close community schools? They're wondering why you're not standing up for the schools. Why aren't you out there with them? Why aren't you at the nightly vigils? Why aren't you walking the halls with principals, teachers and parents and learning more about schools? Why aren't you standing up for community schools in Ontario?

**Hon David Johnson:** The members of this government are pleased and proud to be involved in their community schools. Each and every member of this government has been involved in their local schools, going to meetings in their local schools over the months and over the years. My colleague the Minister of Health last evening opened a new elementary school in Waterloo — another new school

opening in the province of Ontario. The Minister of Energy opened a new school in Ontario last evening — another one. Twenty new schools were opened in Ontario in the month of September — more new schools because that's the nature of the new funding formula. On a fair and equal basis it allows school boards the opportunity to meet the needs of their students, to open up new accommodations where accommodations are needed — a fair and equal opportunity.

#### GOVERNMENT CONSULTANTS

**Mr Howard Hampton (Rainy River):** My question is for the Minister of Community and Social Services and it is about the Harris government's corporate welfare boondoggle with Andersen Consulting. A year and a half ago, we warned you —

**Mr John Gerretsen (Kingston and The Islands):** Why don't you laugh now, Janet? This is a funny question, isn't it? Laugh now.

**The Speaker (Hon Chris Stockwell):** Member for Kingston and the Islands, come to order.

Leader of the third party.

**Mr Hampton:** A year and a half ago, we warned you not to sign this contract with Andersen Consulting and yesterday when I asked you about it, you said, "We consulted with jurisdictions around the world that have used this particular company."

Minister, did you talk to the government of Canada? In 1995 the federal Department of Public Works cancelled a \$44.5-million contract with Andersen Consulting after the firm failed to meet its contractual obligations and refused to proceed until the contract price was doubled.

Did you talk to the auditor of New Brunswick, where Andersen Consulting ripped off the taxpayers for \$3 million in 1996? Minister, did you talk with either Canada or New Brunswick about the almost \$50-million rip-off by Andersen Consulting before you signed the deal with them?

**Hon Janet Ecker (Minister of Community and Social Services):** As the honourable member will probably know, the process was started by his government to find a private sector partner to do this important reform. References were checked. As a matter of fact, New Brunswick did recommend that we use Andersen Consulting for this particular reform initiative.

I would also like to remind the honourable member that one of the changes that has already occurred that is saving \$20 million just to date is a change in how information is reported to the system. It was a change that, under their government, the ministry had attempted to do, was unable to do it, recognized that they needed private sector expertise, and in one year Andersen has been able to achieve those savings of \$20 million. That is good news for the taxpayers of this province. It is also good news for the million people out there who depend on this computer technology because they're getting the payments and the benefits they need when they need them.

1430

**Mr Hampton:** The minister can repeat that rhetoric, but the auditor knows that this company, Andersen Consulting, is already ripping off the taxpayers of Ontario to the tune of \$13 million. But let me go on because the story gets better.

Fairfax county, Virginia, 1996: Andersen Consulting's contract to redesign the social services computer had a 150% cost overrun — another rip-off.

Texas 1997: The cost of Andersen's contract for an automated child support tracking system ballooned by over 600% from the original price — another taxpayer rip-off.

Nebraska 1997: Andersen's contract for the welfare food stamp and Medicaid automation projects — a \$24-million cost overrun. The state auditor said: "I've been auditor for six years now and this is the most wasteful project I've ever heard of. It's like pouring money down a deep, dark hole."

Then the Harris government goes out and signs a contract with these corporate welfare rip-off artists. Minister, who's responsible —

**The Speaker:** Thank you. Minister.

**Hon Mrs Ecker:** We checked with many other jurisdictions that had very good things to say about this particular company that recommended we should use this company. The ministry recognized that we did not have the expertise to manage a change as significant and as important as this change was.

I would also like to remind the honourable —

*Interjections.*

**The Speaker:** Order. I'm having difficulty hearing the minister. Could the members come to order, please. Minister.

**Hon Mrs Ecker:** I would also like to point out to the honourable member across the way that one of the reasons we have a maximum cap in this arrangement is to protect taxpayers. Secondly, one of the other protections is that the company does not get paid unless there are savings achieved, and that has been very clear. I might like to remind the honourable member that he may wish to look at what the auditor said on one of his television interviews last night about the protection for the taxpayers.

**Mr Hampton:** I want the minister to table the list of the jurisdictions that she checked with, because if you checked with Canada and you checked with New Brunswick and you checked with Texas and you checked with Fairfax, Virginia, and you checked with Nebraska and then you went ahead and signed this corporate rip-off contract, then you should resign in disgrace here and now.

Minister, I'll give you one more example you should check with. In the early 1990s, a Conservative government in Great Britain of the same stripe as yours went out and signed a contract for a new computer system. This past September the main computer register of the National Insurance records of Great Britain collapsed, throwing the social security system in turmoil. Who was in charge? Andersen Consulting, heading up a contract worth almost \$400 million.

Minister, if you can't take responsibility for this, if you can't get the money back, then you should resign. Do the honourable thing.

**Hon Mrs Ecker:** I would really suggest that the honourable member check his facts. There is no question that somehow money disappeared where it shouldn't have and that it can't be obtained or the taxpayers don't have it.

*Interjections.*

**The Speaker:** Order, order.

**Hon Mrs Ecker:** References were checked. It's a matter of public record. I'd be quite prepared to give the honourable member that information.

The second thing I would like to remind the honourable member of is that this technology system, which his government couldn't and wouldn't change and wouldn't reform, is in danger of collapsing. We could have ignored that. We chose instead to go out and make the changes that need to be made. We knew we needed help to do that. We went out and got expertise that would assist us in doing that, and we have achieved more savings on one project than they did in the entire time they were there.

**The Speaker:** New question. Leader of the third party.

**Mr Hampton:** I have more questions for the Minister of Community and Social Services, a lot more questions. Minister, you have signed a contract that pays corporate rip-off artists \$575 an hour. Let's put that in perspective. You expect a single person on social assistance in Ontario to live on \$520 a month. That's for food, shelter, clothing, everything. You can't blame this on mismanagement or bungling by somebody else. You signed this contract.

Minister, are you responsible, are you prepared to take responsibility, for this? You're paying this corporate rip-off more in one hour than you provide for a poor person to survive in this province. Are you prepared to take responsibility for that shameful course of conduct?

**Hon Mrs Ecker:** As the member well knows, this reform needed to be done; if he objects to that, I would like him to say so, because it would be interesting to hear. His government wouldn't proceed with this reform.

We needed expertise. We went out, through a public tendering process, to get that expertise. He may well think that you don't have to pay to get that expertise. Unfortunately, in the real world we pay people for the work they do. We also pay people for the work they do to make this reform happen.

*Interjections.*

**The Speaker:** Minister?

**Hon Mrs Ecker:** We've quite welcomed the auditor's comments about the management of this project. I said yesterday that the management was unacceptable, it was not good, it needs to be improved. We are indeed doing that. I had also given directions that the rates be renegotiated, because they are too high and we want to change that, and we are indeed doing that.

I repeat, they didn't have the courage to go out and make that reform so that those million people who depend on that system would know that the technology would be there to pay their cheques. He wouldn't do it. They



refused to do it. We're doing it, and we're fixing that system for those individuals.

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**Mr Hampton:** You're right. I was part of a government that wouldn't sign a contract like this with a corporate rip-off artist. I wouldn't take money off the tables of poor people to pay this corporate rip-off artist.

*Interjections.*

**The Speaker:** You know what? It's going to take quite a while to finish this question period.

**Mr Hampton:** Minister, I want to stay on the issue of your responsibility. You passed legislation, Bill 142, that gives you sweeping new powers to take back money from poor social assistance recipients, even though it was your mistake that resulted in the overpayment. Under section 12 you can take people's homes. Under section 21 you can go after their spouse. You can even issue an order that says, "Enforceable against the recipient as if it were an order of the Ontario Court." You go after the poor people in Ontario no holds barred.

The question is, are you going to get the money back from Andersen Consulting? Are you going to get a court order against them? What are you going to do to get the taxpayers' money back from these corporate welfare rip-off artists? Tell us.

**Hon Mrs Ecker:** I might caution the honourable member that the auditor talked about the ministry's mismanagement of the project. The auditor did not talk about the quality of work that Andersen had done; the auditor did not talk about the company. I would remind the honourable member of that.

The other thing is that this is a public tendering process. The details are available, unlike the Highway 407 contract that his government signed. I'd like to remind people about that.

Secondly, he also knows that under his government, overpayments or underpayments to people on social assistance were always adjusted, as they should be if there are overpayments or underpayments. That was a policy that existed at the time his government was in place. They didn't feel they needed to change that.

I would also like to say to the honourable member that if there is money that should not have gone to Andersen, that money is being returned. We have said there was not a close enough check on the money that was being paid. That's why I've directed that there are new rules in place to be more accountable —

**The Speaker:** Answer.

**Hon Mrs Ecker:** — to make sure it is very carefully watched and checked in terms of what money goes to the company. I would also like to stress, however, that the only money that is being —

**The Speaker:** Final supplementary.

**Mr Hampton:** Minister, we've given you every opportunity to take responsibility for this. We've given you every opportunity to admit that you signed a sweetheart deal, that the taxpayers are being taken advantage of and you should get the money back. We've asked you what your strategy is to get the money back, but all you do is

search around for someone to cast blame on. It's either the ministry or it's the bureaucracy somewhere else.

Minister, you signed this contract. No one else signed it for you. This is your initiative. You have to take responsibility. If you're not prepared to go out and get the taxpayers' money back — and you've given no indication that you're willing to do that — then there's only one recourse: Resign. If you can't do the job, get somebody else who can.

**Hon Mrs Ecker:** No one is ducking any responsibility here. We've been very clear. The auditor has said the project was not managed well. We accept that. We're taking steps to fix that.

The second thing I would like to remind the honourable member: If there are indeed inappropriate payments that had gone to Andersen that were not supposed to go, those monies will be returned. There is no problem with that. For the member to suggest that somehow or other there is something nefarious going on — again, I would urge him to check his research. The auditor certainly didn't make any such statement whatsoever.

The other thing I would like to remind the honourable member is that the only payments this company receives are payments that come from savings that are already achieved.

**The Speaker:** New question, official opposition.

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is on the same issue with the Minister of Community and Social Services. I want to return to what has to be one of the grossest wastes of taxpayers' money that we have ever seen here in the Legislature.

You signed a \$180-million contract, and you said that they only got money for savings. I want to say to you that the auditor pointed out that you authorized \$15 million of payments to this company, the first \$15 million, that was unnecessary, unearned, inappropriate. Why did you authorize it? To use the language of the auditor, it was to demonstrate the project's success. You wasted \$15 million of taxpayers' money — the auditor said "unnecessary money" — just to make the project look successful. It had nothing to do with Andersen Consulting; it was to make the project look successful.

I want you to answer to the taxpayers today: How could you possibly justify spending \$15 million of taxpayers' money unnecessarily, just to make you look good?

**Hon Mrs Ecker:** With all due respect to the honourable member, he is incorrect. We have had savings on one piece of this project of approximately \$20 million. Andersen's expenditures are over \$44 million to date on this project. As he well knows, they bear the upfront cost and the risk of this particular project. If there are savings, they get paid from those savings. The work they did on this project allowed us to have a savings of \$20 million. The ministry had been attempting to complete this particular reform since about 1994 and had been unable to do it. With the assistance of Andersen, they were indeed able to do that.

We acknowledge that there are management procedures on this project that were not in place. They should have

been in place. That's why we have a new team and we've got new rules. I have directed that there be an independent review of this management process to ensure that it doesn't happen again.

**Mr Phillips:** The minister is wrong. The auditor points out \$15 million of unnecessary expenditures. You authorized \$15 million of the taxpayers' hard-earned money, and the auditor said, "Why?" Just so you could make the project look successful. This is gross waste.

I'll go on. You find that they increased their rate 63%. I ask the people of Ontario, have any of you had a 63% increase in your salary? No. But Andersen Consulting, under the minister, was allowed to increase their rate 63%. This is one of the most absurd things: They submitted their bills and then they charged the government \$500,000 interest unpaid on the bills, and then they marked up the interest charge. They made profit on the interest charge. This thing is obscene, and the taxpayers know it.

Now you've been found out. The auditor has exposed you, and now you say, "Okay, I'm going to do something about it." Surely you knew 12 months ago about this obscene contract. Tell us what you did 12 months ago to deal with the obscene rip-off here of the taxpayers by you and Mike Harris.

**Hon Mrs Ecker:** What the taxpayers of this province know is that we have saved, in the last three years, \$2.8 billion for those taxpayers because of our welfare reforms.

*Interjections.*

**The Speaker:** Order.

**Hon Mrs Ecker:** What the taxpayers also know is that, despite that \$2.8 billion worth of savings they have received, there are over 323,000 individuals who are no longer on welfare, because of our welfare reforms like Ontario Works. That's what the taxpayers know. We don't apologize for moving forward with reforms. We recognized that this was a new process, that it was a pilot project. The auditor has made some excellent recommendations about how to improve the management of that project, and we are indeed acting on them.

#### CONSERVATION OFFICERS

**Ms Shelley Martel (Sudbury East):** I have a question for the Minister of Natural Resources. Minister, the auditor made it clear that your cuts to MNR are putting our natural resources at risk. Your government claims that you have maintained 280 conservation officers' badges, so there's no problem with enforcement. But the auditor made it clear that 65 people with CO badges don't do any enforcement activity at all and the rest can't do their jobs properly. Seventy per cent of the COs surveyed said they couldn't patrol effectively because of poor vehicles and equipment and bigger patrol areas. Budgets for enforcement ran out seven to eight months into the fiscal year, and there are now restrictions on the number of kilometres that can be driven per month in a patrol area. As a result, many of the COs are doing enforcement only in high-risk

areas. Overall, charges are down by 12%, and in the northeast and northwest, charges are down by 24%.

Minister, COs can't do their job because of your budget cuts and our natural resources are being put at risk. How can you defend your appalling record?

**Hon John Snobelen (Minister of Natural Resources):** I thank the member opposite for the question. She's quite right that the number of badges for conservation officers in the province has been maintained at the levels under the previous government, and on top of that I'm glad, and I know many people around Ontario have seen, that the conservation officers have recently been re-equipped in better, newer, more modern, efficient vehicles. There have been better communications systems provided for them. In fact, contrary to what we have heard in the question, their budgets have been increased so they can patrol more areas. They have a very difficult task. We are learning to do enforcement procedures in better ways and in alignment with other agencies in Ontario, and I think we're doing a better job now than ever in enforcing the laws of Ontario.

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**Ms Martel:** Minister, you must be the only one who thinks you're doing a better job than ever, because the auditor tells a much different story.

Not only are you not in a position to protect fish and wildlife in the province, but you are failing to ensure that field programs for fish and wildlife are even being carried out. The auditor noted that \$4.5 million was taken out of the fish and wildlife special purpose account but was not spent on fish and wildlife activities. You know that the money in this account by law has to be spent on those activities. You also know that by law you are supposed to table in this Legislature an annual report of the fish and wildlife special purpose account. As of this morning, it hasn't been tabled for 1996-97 or 1997-98.

Minister, where did the \$4.5 million go and how much of it was spent on your lands for strife consultation process?

**Hon Mr Snobelen:** The auditor's report is very useful in that it has drawn to our attention that we definitely need to have a better linkage of the activities of the ministry and the performance and the results that are generated, better ways of tracking the expenditures inside the ministry. I have told the ministry, and they are working now to meet the requirements that are set out in the auditor's report, and we will do that. I also want to say that as soon as we receive a report from the Fish and Wildlife Advisory Board, it will be tabled here in compliance.

#### DRUG USE IN CORRECTIONAL FACILITIES

**Mr Toni Skarica (Wentworth North):** My question is directed to the Solicitor General and Minister of Correctional Services. Last month I spent a Friday night in jail. I need your help. It was not personal business. In fact, I responded to constituent concerns about disturbing inmate activities at the Hamilton-Wentworth Detention Centre. I visited the facility for a tour. During my tour



I had the opportunity to speak with several corrections officers. The corrections staff told me that one of their challenges to ensuring public safety and inmate security is drug use and drug smuggling into detention centres. Some offenders have serious addictive drug use problems and will go to great lengths at great risk to continue their habit once incarcerated.

Minister, I know we're in agreement on not tolerating illegal drug activity inside our jails. What steps are being taken to deal with the issue of contraband drugs in ministry correctional facilities?

**Hon Robert W. Runciman (Solicitor General and Minister of Correctional Services):** I want to commend the member for Wentworth North for his initiative, an excellent example for all members of this House with respect to acting upon a concern and reporting to my office with respect to his findings. As a result of his visit, we had an assistant deputy minister visit the institution and talk to management and correctional officers.

As he said, any illegal drug use in a correctional facility is completely unacceptable. The corrections officers conduct frequent and thorough searches of inmates, their living accommodation and institutional grounds. We're doing what we can in a very challenging situation, visited upon us to a significant degree by the federal government.

**Mr Skarica:** Minister, I appreciate your prompt action in addressing my concerns. In fact, I can tell you that the constituents I contacted were very pleased and very appreciative that you and your department responded so promptly.

What I think many of my constituents are concerned about and many other people across the province want to know is, why is drug possession within provincial jails such an ongoing problem? Since the ministry is obviously going to great lengths to address this problem, why does drug use remain an ongoing security risk in our provincial institutions?

**Hon Mr Runciman:** A major cause of problems we have in the institutions across the province is intermittent sentences. I've raised this at federal-provincial-territorial conferences of justice ministers for the past three years and again raised it a week ago in Saskatchewan. Last year we had consensus of nine out of 10 provinces to make intermittent sentences optional. The federal government has not acted upon that consensus. When I raised it again, they described it as an administrative inconvenience. That shows you how aware the federal government and justice officials are with respect to reality in the institutions across this country.

We have hundreds of people coming into the institutions on the weekends, these weekend sentences. It is not realistic for us to put all of these individuals into dry cells and observe them for 24 hours in terms of what they may pass. It's a very difficult public safety issue for inmates and for correctional officers. I just plead with the federal government to get off their tail and do something about this very important public safety issue.

## HOSPITAL FUNDING

**Mr Gerard Kennedy (York South):** I have a question for the Minister of Health. You were part of the charade this morning trying to fool Ontarians that something is changing in terms of health care. It was the Premier trying to run away from his responsibility. I want to find out today if you're going to run away from yours.

Today you talked about cuts to hospitals. I'm not talking about the automatic and arbitrary cuts, but you tried to make hospitals feel like they would be more secure in future. Instead, the cuts that your commission said are happening to a number of communities, you've just said you're going to send to a committee. What that means is that communities all across Ontario not only have been ravaged by what you've done so far; you have more cuts in mind.

Minister, I want to ask you specifically about the \$22 million that is there in the commission's directives to be cut from Hamilton, the \$14.4 million to be cut from hospitals in Kingston, the \$24 million to be cut from hospitals in Kitchener-Waterloo, the \$207 million you're still planning to cut from hospitals in Toronto, and the list goes on. Are you still planning to take the money from these hospitals, yes or no?

**Hon Elizabeth Witmer (Minister of Health):** Unfortunately, the member opposite does not seem to understand that what our government is doing is that we are responding to the concerns and the suggestions and the input that we have received from the people in the province of Ontario. They recognize that we are spending more money today on health than at any time in the history of this province. They also know it's the federal government that has reduced health spending to the tune of \$2.5 billion.

I would also like to add that we are ensuring that our health dollars are spent in the right places. That means we are directing money to community services, because that's what people are telling us is required. As you know, that was part of our commitment when we introduced the plan for long-term care. The reason for that was because your government and the other government —

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mrs Witmer:** — had done no planning for 10 years and no new long-term-care beds had been created. So I am pleased that our government is moving forward to provide the strengthened health services —

**The Speaker:** Supplementary.

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**Mr Kennedy:** I think that means the minister is going to be cutting, and it's consistent, because in estimates her deputy minister said that further cuts are coming. The Premier said this morning, "We're going to implement 100% of the recommendations of the restructuring commission."

What that means is that in Essex, in Windsor, they're going to be cutting over \$14 million more. In the Niagara region, where you told the Hotel Dieu to close down, you're going to add injury to insult by cutting another

\$18 million. In Brantford, there's \$18 million more. In Sudbury, it's \$27 million more.

Minister, which is it? Have you bumbled the management of hospitals in this province, are you taking it back, or is it just a public relations exercise and you're still going to slash and cut patient services, fire more nurses and take down the quality of health care in this province? Minister, tell us the straight goods today.

**Hon Mrs Witmer:** The straight goods are that our government has not cut any money from health care. We have added, from \$17.4 billion to \$18.7 billion, and I would indicate to you that next year and the year thereafter we will further increase health —

*Interjections.*

**The Speaker:** Order. Member for Hamilton East, you must withdraw that comment.

**Mr Dominic Agostino (Hamilton East):** I withdraw it.

**The Speaker:** Minister?

**Hon Mrs Witmer:** We have not made any cuts to health care in this province. We are making sure that as we move forward we put in place the services people are asking us for, whether it's the healthy babies program, whether it's more dialysis in their own communities, whether it's more MRIs, taking cardiac centres and cancer centres closer to home, making sure that we have the substance abuse programs everywhere.

Last week when we were in Thunder Bay, the community indicated to us that they wanted more community services for mental health, they didn't want all the resources in the hospital, and that's what we're doing.

**The Speaker:** Answer.

**Hon Mrs Witmer:** We are making sure that the health resources are spent in the right places, as close to home and made available —

**The Speaker:** New question, third party.

### SCHOOL CLOSURES

**Ms Frances Lankin (Beaches-Woodbine):** To the Minister of Education: Last night in my riding over 400 parents came together to fight your school closures. They made it clear that they don't buy your act of trying to vilify the Toronto District School Board or the chair of that board. Minister, they know their own schools, and they know that the wide halls and many other spaces that are in these old buildings are not usable classroom space. They know that your rigid funding formula says that it is.

I would like to suggest a solution to this. You had a report of an expert panel on pupil accommodation grants. This was not made public until the court case this summer on Bill 160, and then it was filed as an exhibit. This is exhibit G. I want to read to you — because it appears they knew this problem was likely to come up in cities like Toronto. They noted that, "In the implementation phase, there may be a need for an appeal process to permit adjustment for boards in which area per pupils in place in existing schools is significantly greater than these benchmarks because of physical characteristics of the building."

**The Speaker (Hon Chris Stockwell):** Question.

**Ms Lankin:** This is a recommendation for an appeal process that you ignored. Minister —

**The Speaker:** Minister?

**Hon David Johnson (Minister of Education and Training):** In anticipation of what the question would be if the member hadn't run out of time, I would say that we have asked the school boards to look at the numbers. The numbers have been out for a while now, and we asked the school boards to respond by last Friday in terms of if the numbers are incorrect or if there is any particular problem with the numbers. Slightly over half of the boards have responded, and we expect the rest of the boards to be responding in the near future. At that point in time, we're going to take a look at the responses coming back from the boards.

The ministry bases its decisions on the numbers given to it in the first place, but if any errors are made, they will be corrected. As well, the ministry is more than happy to look at any other suggestions the boards have at the same time.

**Ms Lankin:** It's not a question of error; it's a question of your formula and what it counts as usable space and the fact that it doesn't work in some cities. The report suggested an appeal process, and I'm asking you to consider implementing that appeal process.

You're talking about transition measures now. The Premier says: "We're prepared to look at transitioning. We're prepared to work with them to transition through." Later on, one of your ministry officials is quoted as saying that they need something that will get them past the election. So this looks like another patchwork solution to buy you political time.

Minister, I've got a suggestion for your new education ad. Take the little boy who starred in the health care ad who ripped the Band-Aid off and show him putting the Band-Aid back on. If you're going to have just temporary solutions, people are not going to buy it.

Will you please examine the funding formula and will you please agree to look at putting in place an appeal process that makes sure you don't have a cookie-cutter approach but that it works for communities whether it's in Toronto or right across this province?

**Hon David Johnson:** The third party has been very interested in what the auditor has had to say today.

**Mr Bud Wildman (Algoma):** We didn't ask you about the auditor.

**Hon David Johnson:** I'm sure you're interested in what the auditor has to say. The auditor in his comments indicated, "At the time of our review of the ministry the school boards we visited did not have satisfactory systems and procedures for the acquisition and management of school facilities." Now they say, "The new funding model for pupil accommodation will encourage boards to more prudently manage their facilities and resources and will require boards to publicly demonstrate that they have done so."

The auditor seems to think that the funding formula is going to be helpful — helpful to boards, more account-



ability. I will say, in addition, the funding model does allow for vastly different circumstances: small schools, rural schools, urban schools, across Ontario. But again, I'm more than happy to look and I will be looking — that's a process that's already set in place — at the comments of the boards as they come in over the next couple of days.

#### AUTOMOBILE INSURANCE

**Mr Ernie Hardeman (Oxford):** My question is for the Minister Without Portfolio with responsibility for privatization and the government's lead on auto insurance. I've been contacted by a constituent who was involved in an automobile accident in which no fault was assigned by the police. My constituent was surprised to learn that her insurance company had assigned fault to her. On behalf of my constituent I would like to know why her insurance company assigned fault when the police did not and why her insurance company assigned fault if we have no-fault insurance in Ontario?

**Mr John Gerretsen (Kingston and The Islands):** Good question, Ernie. That's a good one.

**Hon Rob Sampson (Minister without Portfolio [Privatization]):** I agree with the opposition member, that is indeed a very good question, and I want to thank the honourable member for Oxford for raising it in the House today.

The no-fault system that he's speaking to refers to the accident damage component, the damage to the physical part of a car — the sheet metal and glass, as they say in the business — as a result of an accident. Indeed, that is a no-fault system. The advantage of the no-fault system is that for anybody involved in an accident, when they have a claim against sheet metal or glass damage as a result of an accident, it eliminates the need for lengthy delays, usually resulting from tort claims.

Even if police don't lay charges against a driver as a result of an accident, the insurance companies still use what are called the fault determination rules to try to assess fault. They're very interested in determining who is responsible for the act so they can assess the way in which the driver behaves, the way in which the driver drives his or her car, to determine the level of risk associated with any particular vehicle being insured. That indeed is what the fault determination rules have been set up to do, to allow insurance companies to allocate that risk so they can then go and reinsure that vehicle or individual.

**Mr Hardeman:** I appreciate the explanation and I'll be sure to pass it on to my constituent. I wonder if the minister can tell us a little more about the fault determination rules. Have they always existed, or were they brought in as part of our government's reform of auto insurance?

**Hon Mr Sampson:** The fault determination rules were the creation of the Liberal government when they were involved in something called OMMP, the Ontario motorist protection plan. In fact it was a construct that tried to provide some stability to auto insurance. I can't say that they were successful in providing stability to auto insur-

ance, because of course that would be misleading the House and I wouldn't want to do that.

What it did do is provide an environment where disputes involving physical claim damage could be settled without having to go to court. I think that does have some merit and that's why we have chosen to continue it with our particular bill that has lowered auto insurance rates in this province 10% since it was introduced two years ago. I say to the members across the floor who are heckling now that they voted against the bill that allowed us to lower auto insurance rates in the province, and I think they might want to explain to Ontarians why they were against lower auto insurance in this province.

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#### TRUCKING SAFETY

**Mr Joseph Cordiano (Lawrence):** I have a question for the Minister of Transportation. Yesterday, you will know, the OPP did a surprise spot check on our highways. They were shocked at what they found. Of 141 rigs that were inspected, 60 were taken in for inspection and 33 had to be taken off the road completely. If that isn't alarming enough, one truck was found to be held together with duct tape and chicken wire. You said with your Target '97 that you were going to make the road safer. What are you going to do about this latest crisis you now have on your hands?

**Hon Tony Clement (Minister of Transportation):** I thank the honourable member for the question. The opposition is always quick to proclaim a crisis. What I want to say to him and indeed to the entire assembly is that this is an issue of great importance to this government. We have a priority in the Ministry of Transportation to make Ontario's roads the safest in North America. We're not quite there yet. We're in the top five, but we want to be number one.

That is why over the past couple of years we have introduced such things as the commercial vehicle impoundment yards, which have impounded 189 critically defective commercial vehicles. We have instituted 24-hour-a-day, seven-day-a-week truck inspection stations throughout the province of Ontario. We've hired over 80 new inspection officers, not only at the site itself, but roving officers to find these vehicles that are evading our truck inspection stations.

So yes, there are improvements that have to be made. I'm quite concerned about some of the rollovers and some of the jackknives that have happened over the last few days. But I want to assure the honourable member that it is the top priority —

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Cordiano:** I can't believe the minister is not concerned about this. You have a crisis on your hands. Let me reveal what has happened over the last number of months. There used to be only two or three rollover accidents a week in the province. You know what? In the last three months there have been two or three jackknives and rollovers a day. Not every month; each and every day.

You know what I think? I think this minister has been spending too much time trying to unite the right rather than taking care of business on our highways. You know what, Minister? Time to get back to the drawing board. Time for you to do what you really should be doing, which is —

*Interjections.*

**The Speaker:** Question.

**Mr Cordiano:** Obviously, Minister, your Target '97 plan is a failure. When are you going to recognize that and when are you going to go back to the drawing board to make sure our highways are safer? Because that's a really serious issue.

**Hon Mr Clement:** Yes, I've noticed, as every driver has noticed, that in the past few weeks there have been some problems on our highways. We want to monitor that and deal with that on an everyday basis. I applaud the OPP for doing the snap inspections. We have, year upon year, done random inspections in this province. I will say to the honourable member that every single year since this government has been in power there has been a decline in the number of rigs pulled off the road, and we are proud of that record. We will continue to do more.

The honourable member talks about uniting. I want him to know that this caucus is united in the belief that we have to get at this problem and we have put our money where our mouth is. We are dealing with the problem.

#### COMMUNITY CARE ACCESS CENTRES

**Mr Wayne Lessard (Windsor-Riverside):** My question is to the minister responsible for long-term care, but in his absence I'm going to direct it to the Minister of Health.

Yesterday's auditor's report was quite critical of your long-term-care initiative. The auditor concludes that your ministry doesn't have adequate procedures in place to measure and report on the effectiveness of community care access centres. Financial statements from CCACs were six months overdue. There are no procedures for handling complaints even though the Long-Term Care Act requires the establishment of a formal process for receiving, reviewing and recording complaints. Minister, without such inspections, how can your ministry effectively evaluate the quality of care and service to communities?

I suspect that many of these concerns that have been raised by the auditor apply directly to the Windsor-Essex Community Care Access Centre. I suspect, because it's impossible to get information directly.

I understand that an independent auditor has been retained to look into this. I hope it's not Andersen Consulting. Minister, will you confirm this today and, if so, don't you think it's appropriate that the executive director step aside until that audit is completed?

**Hon Elizabeth Witmer (Minister of Health):** We appreciate the recommendations of the auditor, and we will be following through and making sure that we follow those recommendations.

#### PETITIONS

##### PHYSIOTHERAPY SERVICES

**Mr Michael Gravelle (Port Arthur):** There's a looming crisis in the delivery of physiotherapy services in northwestern Ontario.

**The Speaker (Hon Chris Stockwell):** I need to see a petition; I need to hear it.

**Mr Gravelle:** I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas as of April 1, 1999, G467 therapeutic physiotherapy services will not be covered by OHIP; and

"Whereas the only recourse for patients will be through hospital outpatient services that already face waiting lists of three to four months; and

"Whereas these same services are provided in other areas of the province through schedule 5 clinics, which are funded through a \$39-million allocation by the Ministry of Health; and

"Whereas of that \$39 million none has been allocated for northwestern Ontario; and

"Whereas if the delisting of G-code physiotherapy services goes forward because there are no schedule 5 clinics in northwestern Ontario, there is a real fear that a two-tier system for physiotherapy services will be the norm, that one system would accommodate those who have private insurance or enough money to pay out of pocket, while the other tier will be one where those in need wait for months on waiting lists while continuing to suffer; and

"Whereas as our population ages, those requiring physiotherapy will increase and without these services the strain on our medical system will only increase as people aggravate old injuries that were not properly treated through modern physiotherapy treatments; and

"Whereas the delisting of G-code physiotherapy services is further indication that there is a real erosion, by this government, of sound medical services in northwestern Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario to stop the planned fee schedule delisting of G467 therapeutic physiotherapy services and provide northwestern Ontario with a portion of the \$39-million Ministry of Health allocation for physiotherapy services."

I am very pleased to sign my name to this petition.

##### PSYCHIATRIC HOSPITALS

**Mrs Marion Boyd (London Centre):** I have a petition that has been given to me by the NDP nominee for Hamilton Mountain. It reads as follows:

"To the Honourable Lieutenant Governor and the Legislative Assembly of Ontario,

"We, the undersigned citizens of Hamilton and the surrounding communities, beg leave to petition the government of Ontario as follows:



"Whereas the Health Services Restructuring Commission has announced the closure of Hamilton Psychiatric Hospital; and

"Whereas the government of Ontario through the Health Services Restructuring Commission is divesting its responsibility for mental health care without hearing from the community first; and

"Whereas community-based mental health care providers will bear the brunt of this ill-fated decision by being forced to meet what is sure to be an increased demand for their services; and

"Whereas the government of Ontario is not adequately monitoring community-based mental health services for their effectiveness, efficiency, or whether they're even delivering the agreed-upon programs in the first place, according to the 1997 annual report of the Provincial Auditor; and

"Whereas the community pays the price for cuts to mental health care;

"We, the citizens of Hamilton and area who care about quality, accessibility and publicly accountable mental health care for all Ontarians, petition the Legislative Assembly of Ontario to immediately set aside all recommendations to divest and/or close Hamilton Psychiatric Hospital and the programs and services it provides, and further, to call for full hearings to seek community solutions to community issues and to democratically decide the future of mental health care for the citizens of Hamilton and area."

I am proud to affix my signature.

**The Acting Speaker (Mr Gilles E. Morin):** I wonder if you could keep your petitions short. Just asking.

1520

#### PROTECTION FOR HEALTH CARE WORKERS

**Mr Ernie Hardeman (Oxford):** I have a petition to the Legislative Assembly of Ontario.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas pharmacists in Ontario are often pressured to dispense and/or sell chemicals and/or devices contrary to their moral or religious beliefs; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences; and

"Whereas physicians in Ontario often experience pressure to give referrals for medications, treatments and/or procedures which they believe to be gravely immoral; and

"Whereas competent health care workers and students in various health care disciplines in Ontario have been denied training, employment, continued employment and advancement in their intended fields and suffered other forms of unjust discrimination because of the dictates of their consciences; and

"Whereas the health care workers experiencing such unjust discrimination have at present no practical and accessible legal means to protect themselves;

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I present this on behalf of 200 signatories in my riding.

#### PROSTATE CANCER

**Mr Rick Bartolucci (Sudbury):** This petition is to the Ontario Legislature.

"Whereas prostate cancer is the fourth-leading cause of fatal cancer in Ontario in 1996;

"Whereas prostate cancer is the second-leading cause of fatal cancer for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer; and

"Whereas the early detection blood test known as PSA, prostate-specific antigen, is one of the most effective tests at diagnosing early prostate cancer;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Ministry of Health to have this test added to the list of services covered by OHIP and that this be done immediately in order for us to save lives and to beat prostate cancer."

Of course I'm in support, so I will affix my signature to this petition.

#### PALLIATIVE CARE

**Mr Bob Wood (London South):** I have a petition signed by 21 people.

"Whereas most Ontario residents do not have adequate access to effective palliative care in time of need;

"Whereas meeting the needs of Ontarians of all ages for relief of preventable pain and suffering, as well as the provision of emotional and spiritual support, should be a priority to our health care system;

"We, the undersigned, petition the Legislative Assembly of Ontario to resolve that a task force be appointed to develop a palliative care bill of rights that would ensure the best possible treatment, care, protection and support for Ontario citizens and their families in time of need.

"The task force should include palliative care experts in pain management, community palliative care and ethics in order to determine effective safeguards for the right to life and care of individuals who cannot or who can no longer decide issues of medical care for themselves.

"The appointed task force would provide interim reports to the government and the public and continue in existence to review the implementation of its recommendations."

## DIABETES EDUCATION SERVICES

**Mr Frank Miclash (Kenora):** I have a petition that reads:

"To the Legislative Assembly of Ontario:

"Whereas the Diabetes Education Service in Kenora is a necessary program; and

"Whereas the Harris government has refused to provide long-term funding for diabetes education in Kenora; and

"Whereas the Ministry of Health has acknowledged that the program is cost-effective given the volume of clients seen and the degree of specialization required;

"Therefore we, the undersigned, join our MPP, Frank Miclash, in calling upon the Legislative Assembly of Ontario to demand that the Harris government provide long-term, stable funding to the Diabetes Education Service in Kenora."

I'm certainly in agreement with that petition and have added my name to it.

PROTECTION FOR  
HEALTH CARE WORKERS

**Mr Toni Skarica (Wentworth North):** Mr Speaker, I have a petition to the Legislative Assembly of Ontario. It's quite long and I'll cut it down pursuant to your request.

"Whereas nurses in Ontario often experience coercion to participate in practices which directly contravene their deeply held ethical standards; and

"Whereas public health workers in Ontario are expected to assist in providing controversial services and promoting controversial materials against their consciences" — it goes on to indicate further details, and it concludes:

"We, the undersigned, urge the government of Ontario to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion of and unjust discrimination against health care workers because of their refusal to participate in matters contrary to the dictates of their consciences and establishing penalties for such coercion and unjust discrimination."

I agree with the contents of the petition and I affix my name to it.

## SCHOOL CLOSURES

**Mr Rick Bartolucci (Sudbury):** This petition is to the Legislative Assembly of Ontario.

"Whereas due to the Harris funding cuts to education, the district school boards are being forced to consider the closing of schools in Ontario before next September; and

"Whereas the parents do not want these schools closed, because they are operating at full capacity and fear the further chaos and crisis the Harris government is imposing on the education of their children; and

"Whereas there is apprehension and turmoil in our communities due to the government rules which determine

that hundreds of students will have to find new schools to go to next September;

"Therefore we, the undersigned citizens of Ontario, petition the Legislature of Ontario as follows:

"We call upon the Minister of Education, who has the primary responsibility for providing a quality education for each and every student in Ontario, to:

"(1) Listen to the views being expressed by the teachers, parents and students who are concerned about the disruptive effect these school closures would have on their lives;

"(2) Recognize the fundamental importance of our local schools to our neighbourhood communities; and

"(3) Live up to its commitment to provide adequate funding for the important and essential components which make up a good education and not allow the closing of schools, because education in community schools is important."

I affix my signature to this petition as I am in support.

REGIONAL GOVERNMENT  
RESTRUCTURING

**Mr Toby Barrett (Norfolk):** I continue to receive petitions, over 5,000 signatures to date, from people calling for the elimination of regional government in Haldimand-Norfolk. These petitions are from a group called RATH, Residents Against Tax Hikes.

"Whereas the Haldimand-Norfolk region has down-loaded a 17% tax hike on residents, without attempting to cut its own costs; and

"Whereas for the past 25 years, there have been meetings, petitions, referenda and studies calling for a restructuring of regional government; and

"Whereas 80% of the residents did not want regional government in the first place, and in recent referenda 75% of the residents of the city of Nanticoke and 60% of the residents of the town of Simcoe voted against retaining regional government; and

"Whereas residents in the region do not want and clearly cannot afford two levels of municipal government;

"We, the undersigned, respectfully request that provincial legislation be passed to freeze taxes and eliminate regional government in Haldimand-Norfolk, and institute a form of restructured local government in keeping with the wishes and the financial means of the local residents."

I agree with this petition and hereby affix my signature.

## PROSTATE CANCER

**Mr Rick Bartolucci (Sudbury):** This petition is another one with regard to prostate cancer.

"Whereas prostate cancer is the fourth-leading cause of fatal cancer in Ontario;

"Whereas prostate cancer is the second-leading cause of fatal cancer for males;

"Whereas early detection is one of the best tools for being victorious in our battle against cancer; and



"Whereas the early detection blood test known as PSA, prostate-specific antigen, is one of the most effective tests at diagnosing early prostate cancer;

"Therefore be it resolved that we, the undersigned, petition the Ontario Legislature to encourage the Ministry of Health to have this test added to the list of services covered by OHIP and that this be done immediately in order for us to save lives and to beat prostate cancer."

Of course, I affix my signature to this petition.

### SCHOOL CLOSURES

**Mr John L. Parker (York East):** Mr Speaker, in accordance with your suggestion, I will read just the essential elements of this petition. It's addressed to the Legislative Assembly of Ontario.

"Whereas the Toronto District School Board has proposed the closure of over 130 schools in the city of Toronto; and

"Whereas the TDSB is still using all six headquarters buildings and properties that are valuable real estate; and

"Whereas consolidating these buildings first before uprooting any students and selling the extra administrative buildings would give the TDSB a boost in capital which they can use to upgrade and renew existing schools, not close them; and

"Whereas the TDSB spent 50% more per pupil for maintenance and operations last year than the Toronto Catholic board, with the Toronto board spending \$1,052 per pupil compared to \$621 per pupil for the Catholic board;

"Now, therefore, we, the undersigned, respectfully petition the Legislature of Ontario to force the Toronto school board to find administrative efficiencies first before closing any schools, and further that the Toronto District School Board be required to publicly release a line-by-line analysis of their budget justifying all administrative costs prior to any school closure."

1530

**Mr Frank Miclash (Kenora):** I have a petition to the Legislative Assembly of Ontario.

"Whereas due to the Harris funding cuts to education, the district school boards are being forced to consider the closing of schools in Ontario before next September; and

"Whereas the parents do not want these schools closed, because they are operating at full capacity, and fear the further chaos and crisis the Harris government is imposing on the education of their children; and

"Whereas there is apprehension and turmoil in our communities due to government rules which determine that hundreds of students will have to find new schools to go to next September;

"Therefore, we, the undersigned citizens of Ontario, petition the Legislature of Ontario as follows:

"We call upon the Minister of Education, who has the primary responsibility for providing a quality education for each and every student in Ontario, to:

"1. Listen to the views being expressed by the teachers, parents and students who are concerned about the

disruptive effects these school closures would have on their lives;

"2. Recognize the fundamental importance of our local schools to our neighbourhood communities;

"3. Live up to its commitment to provide adequate funding for the important and essential components which make up a good education and not allow the closing of schools because education in community schools is important."

I forward that with my name attached as well.

### HOSPITAL RESTRUCTURING

**Mr Ed Doyle (Wentworth East):** I have with me a petition signed by over 2,000 residents of Grimsby and the surrounding communities. In summary:

"The Health Services Restructuring Commission has made its interim report for Niagara region that keeps the West Lincoln Memorial Hospital located in Grimsby open and part of the rural health care framework. It also preserves its governance structure and management services contract with the Hamilton Health Sciences Corp.

"The undersigned encourage the restructuring commission to keep these recommendations as part of its final report and adhere to the rural health care policy."

I gladly add my name to the list.

### SCHOOL CLOSURES

**Mr Rick Bartolucci (Sudbury):** Yet another petition to the Legislative Assembly of Ontario.

"Whereas due to the Harris funding cuts to education the district school boards are being forced to consider the closing of schools in Ontario before next September; and

"Whereas the parents do not want these schools closed because they are operating at full capacity, and fear the further chaos and crisis the Harris government is imposing on the education of their children; and

"Whereas there is apprehension and turmoil in our communities due to government rules which determine that hundreds of students will have to find new schools to go to next September;

"Therefore, we, the undersigned citizens of Ontario, petition the Legislature of Ontario as follows:

"We call upon the Minister of Education, who has the primary responsibility for providing a quality education for each and every student in Ontario, to:

"1. Listen to the views being expressed by the teachers, parents and students who are concerned about the disruptive effects these school closures would have on their lives;

"2. Recognize the fundamental importance of our local schools to our neighbourhood communities;

"3. Live up to its commitment to provide adequate funding for the important and essential components which make up a good education and not allow the closing of schools because education in community schools is important."

I affix my signature to this petition.

## ORDERS OF THE DAY

## FUEL AND GASOLINE

## TAX AMENDMENT ACT, 1998

LOI DE 1998 MODIFIANT LA LOI  
DE LA TAXE SUR LES CARBURANTS  
ET LA LOI DE LA TAXE SUR L'ESSENCE

Resuming the adjourned debate on the motion for second reading of Bill 74, An Act to amend the Fuel Tax Act and the Gasoline Tax Act / Projet de loi 74, Loi modifiant la Loi de la taxe sur les carburants et la Loi de la taxe sur l'essence.

**The Acting Speaker (Mr Gilles E. Morin):** Further debate?

**Mr Frank Miclash (Kenora):** On a point of order, Mr Speaker: I don't believe we have a quorum in the House.

**The Acting Speaker:** Would you please check if we have a quorum.

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Acting Speaker:** Further debate?

**Mr E.J. Douglas Rollins (Quinte):** Mr Speaker, with unanimous consent, I may share some of my time with my colleague from Durham East.

**The Acting Speaker:** Agreed? Agreed.

**Mr Sean G. Conway (Renfrew North):** That's mighty generous, Doug.

**Mr Rollins:** It is, I know.

I'd like to speak on this Act to amend the Fuel Tax Act and the Gasoline Tax Act. It's something that's fairly close to my past history. We've had some experience in the gasoline business that maybe has some input on this bill.

One of the things this bill does is to try to implement a faster measurement of taxes collected from the people who pay the taxes, when the oil companies, particularly the major oil companies, have such a delay in the time to remit their taxes to the government. When you stop and think that some 14.7 cents comes into the provincial coffers every time that gas pump rolls around, that kind of money would amount to somewhere in the neighbourhood of \$4 million if we could increase the payment coming into the coffers a little more quickly. When we allow the oil companies, particularly the larger distributors, which in many cases collect more than \$12 million a year per large distributor, to drag that out for anywhere from between 15 and 45 days, it makes for a lot of money that could be put into the treasury. Particularly in the province of Ontario, it would increase the dollars we have access to without having to borrow and keep our house in a little closer order.

I know there aren't too many companies or businesses that, when they collect taxes, aren't supposed to put their taxes in relatively quickly. The oil companies and the

major distributors have been allowed to work with that 14 cents a litre. When you look at that 14 cents a litre on a huge tractor-trailer load of gas or one of those pup loads of gas, when you look at 60,000 litres of gasoline and multiply it times 14 cents, in many cases the person who gets that load of gas writes a cheque for it. Even if they don't write a cheque for it, the time of credit has been squeezed, from the oil companies down to the people in the distributing business, down to somewhere less than 15 days. They collect that money, and the oil companies may have another 30 or 60 days before they remit that money to the treasurers, whether it goes to the federal government or the provincial government. Those kinds of dollars would make a large difference in the amount of money that we could be having put into our treasury each day.

I know that small businesses sometimes, because we don't submit too much in the form of provincial tax, are allowed to put it in on a 30-day or 60-day basis, or maybe even on a quarterly basis if you don't put in very much. But when we have so many dollars being put in by the very large companies, I think they should be brought to task and we should make sure they pay that money upfront a little more quickly so it saves the burden on all of us. When you pull up to the pumps, there aren't too many of us who have 15 days to pay for our gasoline. That money comes out of your bank account relatively quickly, or you pay for it before you pull away from the pump. There aren't too many people who have the privilege of signing their name and not paying for it. So that money is already put in there.

One of the other things in the bill that is a big concern of mine personally — and I know it isn't completely addressed in this bill — is when we talk about bringing the product to 15 degrees Celsius. Now, 15 degrees Celsius is somewhere in the vicinity of 62 or 64 degrees. That's a relatively warm temperature. Most of the product that we pump out of the ground is at a much colder temperature than that. True, if we were to do the same number of gallons or litres of product in the wintertime as we do in the summertime and it was everything perfect in a perfect circle, it probably would make very little difference. But in Canada, we don't have the pleasure of bringing the product out of the ground at 15 degrees. We bring the product out of the ground year-round at closer to the 42 or 46 degree mark, or closer to 6 degrees Celsius. That makes a big difference, and when you take that 6 or 7 degree split in there that we're paying on, it makes a fair amount of expansion, and we pay tax on that expansion. That tax is actually paid into the treasury, but we're paying on to it.

It's another question we must take a look at, to see whether that 15 degrees — it may well be 15 degrees in Saudi Arabia and it may well be 15 degrees on the world market, but it isn't 15 degrees in Canada and it isn't 15 degrees in Ontario. It may be in one part of Canada — Victoria or Vancouver may well be getting closer to 15 degrees — but I can guarantee you in the province of Ontario it isn't close to 15 degrees.



1540

When you take that into consideration and then you add the GST on top of that tax that you're paying — when you pull up to the pumps, you don't see the GST; it's all worked into the price of the gasoline at the pump. But when you look at gas at around 50 cents a litre, add your GST on to it, that's about 3.5 cents a litre for the GST. If there's a margin of profit to the dealer of only approximately three cents a litre, he has to then add on to that his wholesale cost and his retail cost. That's another amount of money that's sent in.

That money is generally spent the very day the truck delivers that load of gas to that station, to that distributor. It doesn't allow 15 days; it doesn't allow 45 days. This is trying to bring back some continuity to the way we collect the tax. If it's fair that you or I as a consumer have to pay the tax as soon as we get it, why do we afford the pleasure to the big companies of 15 or 45 days extra, after their allotted time, to put that tax bill in? When you stop and think of the number of days those big trucks go down the road with some 60,000 litres, and multiply it by close to 32 cents a litre that it can add up to when you put your GST, your markup and everything else on, that's a lot of money that should be coming into your and my bank account. That's one of the things that has always bugged me a little bit as far as the way that we as a country or a province have looked at it.

I think moving in this act will speed that process up. We have to look at some of those things to make sure we can make some headway on improving it. We've had some different decisions as far as being able to look after the price of gasoline and trying to make it more fair. We're very upset with trying to look at the price of gas jumping up eight and 10 cents a litre. Mr Speaker, if that had gone back to the days when you and I first started driving a car, it would have been back to gallons. That would have been an increase of some 32 cents a gallon. I can tell you they would tar and feather any company that ever raised the price of gas for a weekend by 32 cents a gallon. I think they would be just in doing that, because it's absolutely highway robbery to allow the major companies — and it has been going on a long time, and it needs to come to a halt. I know this bill doesn't specifically deal with every aspect of making sure that stops, but we have to continually take a look at that and make sure we drive that down so that we have some continuity in price.

Some of the regulations in the tax collecting, harmonizing it — I know in excise tax as far as liquor is concerned, that money is sent in a lot quicker than it has been in the fuel consumption. It's to the advantage of the oil companies to make sure they drag their feet as much as they possibly can to give that money back to the government. If our coffers were full, if we had excess money and we didn't need it, it would be quite different, but when it costs us some \$4 million a year that we could save, just the province of Ontario, for looking after having that money collected earlier so we wouldn't have to pay that kind of interest, it's very important to make sure that happens in that respect.

The waste that happens in reproducing used oil, particularly from waste oil that they put back and recycle into the system — we've got to watch very closely to make sure when it's recycled, you and I, as the people who supposedly look after the tax collectors of Ontario and of our country, that those people are paying the proper taxes on that, because that's not oil that's coming out of a refinery; it's not oil that's being shipped in by boat or by tanker truck; it's oil that has been produced from waste oil. That oil is not measurable and sometimes there can be a loss in there, making sure those taxes are properly adhered to.

I know the bill speaks about the dye and the colour as far as gasoline is concerned. Having been around the industry for a while, I know there are different colours for different codes of gasoline that mark it for the use you have. They also make a different dye colour particularly for diesel fuels and fuels that are used for off-road consumption. It's very illegal to use coloured fuel in a vehicle, yet we as a government sometimes do not stand up to the test as quickly as we should to make sure that dye is in properly, to make sure that if somebody were to stop a vehicle and test the fuel, that vehicle does not have coloured fuel in it.

If it does have coloured fuel in it, under the bill you can get up to a \$200 fine or up to a \$1,000 fine. That, to me personally, is way too low. I think it should be increased because when we allow coloured fuels to be in vehicles on the roads, a vehicle seizure is not the wrong thing to do. But that's only Doug Rollins speaking; it's not that part of it. We have to make sure we don't allow people to cross out and not pay the taxes — because that's what it amounts to when that coloured fuel is in there. Some people are trying to put some input in to evade the tax man, to make sure he doesn't have to write that cheque out. When it gets up to better than half of the price of gasoline being tax, it becomes very lucrative to say: "Maybe we can miss it. Maybe we can cheat on it a little bit." That is something, to make sure we don't miss those taxes. We have to have them for our use. We certainly need them.

A lot of the taxes we collect from fuel is spent on roads. The federal government takes a lot of its tax, and we don't get it back in the response to make sure the taxes they collect are put back into transportation. It goes into their coffers. Mr Speaker, in the past couple of years, we in Ontario — I know from driving up and down from your town and my town on those roads, particularly the 401, the dollars we've spent to improve those roads. Are they where they need to be? Absolutely not. But are they better than they were? They certainly are. Supporting Bill 74 can well play a part to improve the lot of Ontario and the way we collect taxes.

I'll now share my time with my colleague from Durham East.

**Mr John O'Toole (Durham East):** On a point of clarification, I just hope that Mr Rollins and myself are not splitting the same 20 minutes. Maybe there was more debate time on this.

I think there were a couple of points that the member for Quinte made that are important, but when you look at any finance bill, arguably it would put most of the audience to sleep. This is really a kind of administrative bill. When I was asked to speak on it — I enjoy speaking on legislation because it encourages me to read some of the detail in the bill. Quite often the most important highlight is to read the preamble to the bill, which gives you a fairly good overview of what really is happening.

The member for Quinte, with his experience, has covered some of the ambient temperature issues. It's a very important issue and I could go into some detail with the briefing notes I've been provided.

For the person viewing today, the bill amends the Fuel Tax Act and the Gasoline Tax Act to implement measures contained in the last two budgets, 1997 and 1998.

"Both acts are amended in connection with the following matter: The period for assessing taxes payable is extended from three years to four years. The period for assessing penalties for a failure to collect taxes and for claiming tax refunds is similarly extended," from three to four years. So really we're eliminating the loopholes for tax avoidance.

Second, "Taxes collected or collectible by certain persons are deemed to be held in trust" for the province. "Related amendments are made concerning the disposition of property held in trust, and concerning when assessments.... In other words, they're really bumping up their access to the courts in terms of the liability. The province will become an earlier claimant in any business failure.

Third, "The objection and appeal procedures are amended, changes relate to such matters as the contents of a notice of objection; the service of a notice of objection; the scope of an appeal to court from a decision of the minister concerning an objection; and the payment of a fee when an appeal is commenced."

I could go on to some extent, but as you can see, it's a fairly technical bill.

1550

In the four minutes remaining in my portion of the debate, I just want to concentrate on a couple of points. My riding is Durham East, and in my riding we have a federal member who has championed the cause of the price of gasoline, Dan McTeague. He's the Liberal member for Ajax-Pickering, I think, or Whitby-Ajax. I have a lot of respect for his crusade to watchdog the price of gasoline.

As the member for Quinte said, when you look at it in litres — I'm from the generation that converts it to gallons — you realize it's really four times that amount. When I looked at Mr McTeague's report, I was surprised to learn the background. How much tax is in a litre of gas is quite frightening. Many consumers don't realize that. I'm not apologizing, as I'm a member of a government that spends taxpayers' money and I'm a member of a government that doesn't want tax.

So arguably, for the purpose of those listening today, I want to make it clear that 14.7 cents on every litre of gasoline is provincial tax; 10 cents per litre is federal tax;

and on top of that there's the GST at 7%, which works out to be about 3.5 cents a litre. So each level of government is taking some 14 or 15 cents per litre, which is really 30 cents. When you look at what they actually pay for the product and you look at the poor little retailer who is only making one or two cents a litre to stand out in the cold and pump gas in your car and perhaps clean your windshield, you wonder why some of these independents are being squeezed out.

That isn't specific in this bill, I want to make that very clear, but for those viewing and listening, it's important to recognize that the government has a major stake in this. I think raising the consciousness of the consumer to look at what they are paying for gas, and the holiday weekend issue — it may all be media stuff, but I commend the Minister of Consumer and Commercial Relations for hyping up consumer awareness and having the gas-busters go around and make sure that people are watching the price of gas.

What this bill is really dealing with is the financial issue of collecting the taxes when they are due.

I think there are a couple of numbers that are worth knowing for the public. The issue of the ambient temperature or the temperature of motor fuel and the pricing is a reasonable solution to a very complicated problem. When you change the temperature or you change the specific gravity of a product, you have a different volume. So there was all this discrepancy between what you bought the fuel at and what it was shipped at. Everybody was taking these specific gravity measurements and there was this great adjustment to the price. There was some leakage in revenue based on temperature. So what they've done is taken a uniform temperature for measuring and paying for the gasoline, and that will avoid that confusion in the future. I hope it will.

The federal government, I must say, in their report in 1997 — Mr McTeague brings it up in his report — say there has been an industry standard of 15 degrees. Arguably, the member for Quinte has said that's too high. Well, I suspect on both ends that will work its way out. I'm waiting for the member for Renfrew North on that, but I think there's a lot of time and a lot of money lost on that issue.

As well, I think the issue about the timeliness of payment, with the amount of revenue in this whole wheel going around on the fuel tax and fuel issues, is that the earlier the government gets the money, the less money the government will have to borrow in its cash flow syndrome. In our notes, it says that that particular change alone is worth some \$4 million to \$6 million to the province. Who is the province? The province is the taxpayer of Ontario. Whatever party is in government, that better use of taxpayers' money is fundamental to this change.

There will be other points made by all parties, and I'm interested in listening to a finance discussion on this particular bill. Thank you very much for your time.

**The Acting Speaker:** Questions or comments?

**Mr Miclash:** I was kind of amazed at the member for Durham East and his comment that he is a member of a



government that doesn't want further taxation. I would just like to ask him where he was when Mr Harris decided that he was going to put a \$37 registration fee on to the backs of the vehicle owners in northwestern Ontario and northern Ontario. They see that as the Mike Harris tax on gas. As you will know, we don't have access to transportation in the north as they would here in southern Ontario and in many urban regions of this province. It was a saving to the individual who needed a car to get to work, to get to events, to the hospital, to whatever; and again, a tax that came on the heels of Mike Harris.

He went on to talk about these gas-busters. I actually thought, when the minister came out with this idea, that they were to do something. They did absolutely nothing in terms of gas prices in northern Ontario. He himself admitted that it was a media event for the Mike Harris government which did nothing: a considerable waste of money. Maybe not the waste of money and the magnitude the Ministry of Community and Social Services would do in terms of the Andersen affair, but a terrible waste of taxpayers' money.

I think back to 1990, when we had a member running in Sudbury East who suggested that there was going to be equalization of gas prices across the province. I was quite excited when she became the Minister of Northern Development and sat there for five years. We still don't have equalization of gas prices across the province.

Again, I would just like to say to this member: a lot of rhetoric leading to nothing in terms of saving the taxpayers' dollars on gas.

**Mr Tim Hudak (Niagara South):** I'm pleased to rise in response to the comments from the member for Quinte and the member for Durham East, both of whom I've grown to respect tremendously, and the comments they make on pieces of legislation. I will often listen very attentively. I say to both members as well, no bill passes by the scrutiny especially of the member for Durham East, who regularly gives us his thoughts on bills. Whether it's a finance bill, whether it's a rather non-controversial bill like this one, or some other pieces of legislation that elicit much more attention, Durham East always has some very relevant comments.

Of course, listening to the debate of the member for Quinte alone convinced me to vote for this legislation when the time comes. The member for Quinte is a small businessman who for some time ran his own gas station, and I think as well typifies the type of small business person who has become involved in government not, I guess, to govern or to defend government, but to bring changes, to make government work for the people, to ensure that taxpayers get the right benefits for their hard-earned tax dollars.

I think it's very fitting when we speak of Bill 74 that the member for Quinte, both with his experience in the gas industry and with that stance of somebody who's come in here to make government work for the people, speaks on behalf of Bill 74, which is precisely that: to ensure that the gasoline tax, fuel tax, is administered more efficiently, and, importantly, because of that more efficient approach

to bringing in the fuel taxes, to tightening that up — I think every 36 days is current — bring savings to the taxpayer. It will improve the cash flow of the province and at the same time, because of that, it will cause the interest on the debt to be reduced.

Again, I enjoyed the comments from Quinte and from Durham East and look forward to hearing them speak even more often on this important piece of legislation.

**The Acting Speaker:** Further questions or comments?

The member for Quinte, two minutes.

**Mr Rollins:** I want to thank the members for Durham East and Kenora and Niagara South for their comments.

One of the things that I wanted to take a little bit of question with was that the man from Kenora said the gas-busters didn't have any results. I was a member of that, the gas-busters, and yes, in the north it still stayed reasonably even. Even when we checked the price of gasoline, it didn't lower it but it did stop. For the first five weekends that we looked after it and were out there looking at prices of gasoline, the price didn't move.

We did make an error, there's no question about it. On Thanksgiving weekend we didn't announce earlier that we were going to watch, and that Thanksgiving weekend is when we as taxpayers across the province took another kiss from the oil companies for their eight-cent increase over that long weekend, and we all know that. So I think the gas-busters did have some input into it. It's not over with yet. We'll keep pushing to make sure this fluctuation of prices comes to a little bit of a halt.

**1600**

I also want to mention the Dan McTeague report. One of the big things with that report is that we've got to be able to put some transparency back into the pricing, the way the oil companies look after their business. Many, many governments before us have tried to put the feet of the oil companies to the fire about price-fixing and everything, but they've never been successful. It has to be changed in the Criminal Code to be able to allow the consumer and corporate affairs minister to have the right kind of tools to make sure the oil companies do not price-gouge and put small, independent people out of business.

This bill does not deal with all the problems, but I do think that as taxpayers in Ontario we will be better served. Thank you for allowing me to speak.

**The Acting Speaker:** Further debate?

**Mr Conway:** I'm pleased to join the debate today, especially in the wake of my friend from Belleville, who knows this business far better than I. My perspective is that of an individual who spends far too much of his time on the roads. I pay a lot of attention to gasoline prices.

I want to say to my friend from Belleville that I think privately we might all agree as to what the gas-busters are all about. It is almost fantastic to imagine that a group of well-intentioned politicians running around places like Belleville and Bancroft and Barry's Bay are going to stand up to the successors of John D. Rockefeller and say, "We'll meet you at high noon." I don't want to be too cynical, but on the other hand I don't want to assign too much authority and too much success to the gas-busters.

As a practising party politician, I am more than a bit bemused at the sheer chutzpah of the whole idea, but hey, good stuff, we've all got to do our bit.

I want to give my friend from Belleville some credit. On the Monday of the Thanksgiving weekend I was coming from Pembroke to Toronto, and I was looking for gasoline around Tweed. Actually, the Esso station at Tweed was I think out of gas. I went to two or three of the pumps and they had none left. In Pembroke that day we were paying something like 54 cents a litre for regular unleaded. My friend from Belleville will be happy to know that having been unsuccessful at getting gasoline where I often do in Tweed at the Petro-Canada station on 62, just up by that Tim Horton's, just north of Belleville across from Wal-Mart, you won't believe what I paid: 47.9 cents.

Had I had the member's home phone number, I would have said, "Doug, I don't know what you're doing, but keep up the good work. That's the best price for retail" — maybe it was Harry who gets the credit, I don't know. But 47.9 in Belleville that day was the best price I've paid in months, so somebody was doing something. But the reality is that for most of the rest of the weekend I was looking at and paying five or six or seven cents a litre more.

I want to agree with my friend from Belleville. He makes a very, very good point. Can you imagine, in the pre-metric era of the imperial gauge, what we would have done as consumers with the Essos and the Mobils and the British Petroleums on the eve of any long weekend cranking up the retail price at the pump by 25 or 30 cents a gallon? We would have been ballistic. They wouldn't have imagined trying it, I can't imagine, because 25 or 30 cents a gallon? Wow. But it happens, and it's been happening with all too much regularity.

Bill 74, as our very learned colleague from Durham East pointed out, is a budget bill affecting a number of technical amendments to the way in which we collect the gasoline and fuel tax revenues, the way we assign penalties. I'm not going to get into all of that. There a couple of things I want to talk about this afternoon, some of which have already been touched on.

It's about a year and a half ago that our friend from Belleville, Mr Rollins, brought to this House a private member's resolution which I think carried unanimously. Let me just read the resolution standing in the name of Mr Rollins and debated that day in February 1997. As I say, it passed, according to my note, unanimously on February 20, 1997. The Rollins's resolution states that "the government of Ontario should urge the government of Canada to ensure that the powers of the federal Competition Act are exercised to their fullest in eliminating the anti-competitive practices in the retail gasoline marketplace and that the Competition Bureau place the highest priority possible on investigations that may affect the survival of small, independent gasoline retailers in the marketplace."

I supported that resolution and I really wanted to focus my comments today in a couple of areas: the future and the fate of small, independent gasoline retailers, particularly in the rural communities of the Ottawa Valley, or

elsewhere across the province and the Dominion of Canada. In places like Barry's Bay and Beachburg and Bancroft and Griffith and Denbeigh, these small retailers of gasoline are facing an ever-tougher situation.

Our friend Rollins pointed out in the debate on that resolution that in a seven-year period from 1991 to 1997, the market share of the independents had dropped from something like 22% to 12%. If you drive around the province, particularly outside of the major areas, you can see that. More and more of the small operators are being forced out of business and a good bit of the pressure is, as I think we all know, the anti-competitive practice of the majors.

It has been already referenced this afternoon that the federal Liberal caucus, I think it was, under the leadership of Dan McTeague, the member from Pickering, produced I think a very good report in recent times looking at the situation facing gasoline retailers. I read the report and I thought they did some good work. They pulled a few punches, but generally I thought it was a very helpful report and I would recommend to any member of this House that if you haven't seen it and you're interested in this subject, you might look at it. For anybody out there watching this debate with an interest in this, you can access this particular material on the Internet at [www.myna.com](http://www.myna.com). I can't read the rest of it but, at any rate, it's available. I'm sure if you phone Dan McTeague, MP for Pickering-Uxbridge-Ajax, he'll make a copy of it available.

The point I want to make is that the small gasoline retailers, and particularly the small independent retailers, are being hammered every time they turn around. Before the debate this afternoon, I made it my business to phone three of my constituents who have been in this business for some considerable time. They all reported the same thing. One of them said to me, "You know, I want to get the bloody pumps out of here because it's no longer worth it to be in this business if you're in my part of rural Ontario." She said: "Do you realize the estimate I just got to get the pumps and tanks cleared out of here? Twenty thousand dollars. I can't afford that. I'd have to be pumping gas here for the next 50 years to recover that investment." She wants to get out of a business where she can't make any money and she said it's going to cost her 20,000 bucks to get the tanks removed and meet the environmental requirements.

I asked another one of my constituents who's in the business, "Do you want to" — and this person had, as many have been forced to — "buy the equipment to meet this new automatic temperature business?" For a small retailer, it's a minimum outlay of 5,000 to 6,000 bucks. I think it was our friend O'Toole from Durham East who made the point the margins in this business are not very great; they've been getting smaller and smaller.

At \$20,000 just to close up your gas business, \$5,000 or \$6,000 or more just to meet the new industry standard of the automatic temperature control, you don't have to be Albert Einstein to figure out what's happening to that small operator in Barry's Bay or Bancroft or Beachburg.



Oh yes, the big people, the majors, the big company-owned shop in Belleville or Pembroke or Renfrew or North Bay or Sarnia, they're not going to have a problem. As the McTeague report makes plain, the big, integrated companies have made their money by the time the product leaves the refinery. Everything else for them downstream is gravy. So you betcha, they can afford to use the leverage of their integrated status to go out and hammer the living hell out of the small operator up in Denbigh or out in Beachburg or up in wherever, and they're doing it, without a doubt. Those small people are rightly complaining.

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Some people might say: "What's the issue? What's the public interest?" If there was no province of Ontario north of Highway 7, it wouldn't be a major concern, but there is a world beyond Highway 7. I'll tell you, if you do as I do, drive every week from Pembroke through Belleville through Kaladar and up to Baker and Denbigh and home to Pembroke, there's a lot of land where there's not a great population and you're bloody happy to see that small operator in Denbigh or in Northbrook or in Marmora or wherever. We have an interest as a community in having those operators there.

It's not just the big operators, the big oil companies that are causing difficulty. Let me tell you, governments are doing their part as well, sometimes inadvertently. I'm not here to argue for a diminution of environmental standards, but let me tell you, a lot of the environmental rules we're writing have no regard to the mom-and-pop operator out there who is essential to the community but does not have the capital outlay to say every two or three years, "I guess we fork out another 5,000, 6,000 or 7,000 bucks."

I suppose you can say, "You can get your gas in Belleville and don't look for anything between Belleville or Pembroke." I can tell you, that's not going to be a very effective strategy either. These small operators will often say to me: "Can't you people in government decide what you want? Every 18 months the rules change; yet another new diktat with a big price tag attached to it." Because too many of the decision-makers, whether they're big business or in big government, just do not understand that there is another reality, one that should not be excused from a good environmental standard, but one that must be understood for what it is: a smaller, more financially fragile, but nonetheless equally essential service in a country as large as this, where transportation is so absolutely critical.

Gasoline is the lifeblood of the Canadian existence. We're not all like the Minister of Health. We don't have K-W Transit, if that's what it's called. We don't have OC Transpo, we don't have the TTC. If you want to drive from downtown Belleville to Bannockburn or Eldorado or Sterling, you'd better not be counting on public transit because I don't think there is any, Doug, that's going to get you there, outside of the Greyhound bus, if it runs. Those are, quite frankly, a number of the concerns that I hear, particularly from the small operators.

I want to get to the bill on one very essential matter and that is the issue of automatic temperature compensation. It has already been referred to. Here I think the government

of Ontario and the government of Canada are in collusion with big oil. Let me tell you how they're in collusion. My reference is subsection (4.4) of the bill, the Fuel and Gasoline Tax Amendment Act, found on page 21 of the bill. There it reads:

"(4.4) The tax imposed by this act shall be computed in accordance with the following rules:

"1. If the volume of gasoline, aviation fuel or propane is measured by the adjusted temperature method for the purpose of determining price, the volume of gasoline, aviation fuel or propane shall be measured using that method for the purpose of computing the amounts in respect of the tax" to be collected.

The way I read that, and I'd be happy to be corrected, if you're going to use the ATC, then that's the basis on which the tax is to be collected. Am I correct? If you're not, then some other rule applies. Well, the fact of the matter is that in talking to my constituents who are in this business, the automatic temperature compensation is the operative rule for just about everybody, so let there be no confusion about that.

Let me say loudly and clearly, Doug Rollins is right when he says that the industry-imposed standard of 15 degrees centigrade is an unfair gouging of the Canadian consumer. Do you hear that? We are not in Pasadena, California. We are not in Charlotte, South Carolina, or wherever Charlotte is — North Carolina, I suppose. Fifteen degrees centigrade is an American standard that's being applied to Canada, and the big loser in this is the Canadian consumer. I am told by my operators that a more likely standard in this country would be something between 8 and 10 degrees centigrade, perhaps higher, but they all tell me this: 15 degrees centigrade is unfair; it penalizes the consumer and it penalizes a number of operators who have not been able to afford to buy the equipment to make their adjustment.

But who wins? Let me tell you who wins: Big oil wins, and since big oil has now imposed the automatic temperature compensation methodology at 15 degrees centigrade as the standard, government also wins, because we are taking a slice and we are taking our slice on that ATC calculation. I'm sure it's inadvertent, but that does not excuse it. Randall Denley, writing in the Ottawa Citizen of June 15, 1998, writes as follows: "The oil industry's most eye-catching piece of robbery is the adjustment of gasoline pumps to take into account the fact that the volume of gasoline contracts as the temperature goes down. Unfortunately for consumers, the pumps are set to a temperature of 15 degrees, although the average temperature in Canada is only six degrees. The effect is that most of the year drivers are actually getting less than the pump indicates. This payment for no product provides the oil industry with an annual windfall of \$100 million in Ontario alone."

If the Ontario oil industry is getting a windfall of \$100 million, the Ontario government and the federal government in Ontario are getting a windfall as well.

I simply want to say here today that there is some very good sense and wisdom to what my friend from Belleville

is telling us, and he's not just your garden variety member when it comes to this subject. Doug Rollins, like most of the Rollinses I've ever known in Hastings county, has spent a lifetime in this business. It would behoove this Legislature to listen to what Mr Rollins is telling us and what Mr McTeague is telling us in what I have said is I think a good report. One of the places where I think the federal government is truly culpable here is imposing the GST on not just the raw product but on the provincial and the federal taxes before the GST gets applied. According to the McTeague report, the structure of pricing, including taxation, is such that the GST applies not just to raw product but applies to other provincial and federal taxes.

I don't think the government of Canada, whether it's Liberal, Tory or Farmer-Labour, should be very proud, on such a resource and such a commodity as vital as gasoline, of being in the business of taxing the taxes on gasoline and pocketing the revenue.

In my part of Ontario, in the Ottawa Valley, particularly in these smaller communities, and particularly the communities away from the big-volume highways — in my area that would be Highway 17. In from the Highway 17 corridor, when you get on that Highway 60 corridor from Renfrew sweeping up through Eganville, Barry's Bay, Whitney, into Algonquin Park, or the Highway 41 connection sweeping southwestward from Pembroke down through Eganville and Denby into Tweed or Napanee, you're dealing with a lot of small communities that are struggling to keep their gasoline outlets open. Many of them have already closed.

These people are crying out, not just to me but I know to other members, that we're making their lives more and more difficult. I repeat, 5,000 bucks just to install the equipment that these small operators require to be able to measure the automatic temperature compensation — 5,000 or 6,000 bucks in a business where the margin, as John O'Toole told us a while ago, is one or two cents a litre. Is that about right, Doug?

**Mr Rollins:** Three.

**Mr Conway:** Three cents a litre.

My constituent today was telling me, "I want out of this business, but I'm going to have to spend 15,000 or 20,000 bucks to take the tanks out." She said: "I can't go forward, I can't stand still and I can't even back up. I'm caught every which way."

This automatic temperature compensation deserves a very careful look. I'm very concerned, on the basis of what I've heard from my constituents and what I've read in reports like the McTeague report, that it's not just the oil companies that are taking in windfall profits, but because of the way the tax structure works, both provincially and federally, governments are creaming off a windfall at the expense particularly of Ontario consumers. Like my friend from Belleville, I'd like to see that addressed, if for no other reason than in the interest of gasoline consumers who feel very much put upon by the price and tax structure they're already confronting.

**The Acting Speaker:** Questions or comments?

**1620**

**Mr Tony Silipo (Dovercourt):** It's always a pleasure to listen to the member for Renfrew North. There are just a couple of points I wanted to make on the things he addressed this afternoon.

He talked a bit about the plight of small gas station operators and the kind of difficulties they are having vis-à-vis the big oil companies. I certainly would concur, because whether that's in small-town Ontario or here in the city of Toronto, that's a situation we find all over. When many of us complain, as we tend to do, about the variations and how easily it seems gas prices can move up and down — usually up, particularly when weekends or long weekends come around — we tend to vent our anger most directly upon the small operators, and by and large they're not the ones who are dictating those policies.

I was also particularly intrigued by the comments the member for Renfrew North made with respect to this whole issue of the temperature-adjusted provisions in this bill, that are, as I look at them, the principal section of this bill. I found it interesting to hear his comments and juxtapose them against what I gather the ministry is telling us, which is that the industry, they say, is currently complying voluntarily with this measure of having taxes applied in a way that's consistent with the temperature the gasoline is adjusted to.

This provision generates now about \$4 million a year, they indicated to me, and the amendment in the bill confirms the existing practice. That seems to be a little bit different than what the member was saying. Knowing the kind of credibility the member has, I was struck by that very stark difference in the kinds of things we were being told by the officials versus what he was indicating today.

**Mr Rollins:** It gives me pleasure to rise and make some comments about my colleague from Renfrew. Many times in this House we're never on the same page; we're always in opposition and we don't agree with one another. But I think on this subject we are a little bit closer to being on the same page.

The major oil companies — the one I know a little bit more about today is Shell Oil, and they claim they have 800 outlets that they control and operate through their structure in Ontario. At one time they had some 3,500 but they cut down to 800. Of that 800, they say: "We only have 200 of those that we control ourselves. That leaves a lot of independents out there, some 600 independents." However, they fail to tell you they control 70% of the market through their 200 outlets, because they have the 200 most prime outlets.

The temperature compensation was nothing more than a win-win-win as far as the oil companies were concerned. Yes, as part of a government collecting those taxes, we're guilty of taking some of that money too. Does that make it right? Absolutely not. It absolutely doesn't make it right. But the temperature compensation, for you people who are listening and watching, go and get yourself a gallon can and mark it where it says a gallon, and go to the pumps when you buy it by the litre and put in four and a half litres, and then you will see how much you're getting —



excuse me — hosed out of, because that's what you're getting: You're getting hosed something terrible. But the public doesn't look into the gas tank when they put their bill in. They can't see what's in there. They have to assume that's what there. But you put it in a gallon can. Mr Speaker, when you go home this weekend, buy a gallon can, not a five-gallon can but a gallon can. Then what you're paying for gasoline will scare the living daylight's out of you, and one of the reasons is the compensation price. I wish I could talk more about it, but I haven't got enough time.

**Mr Miclash:** Many of the things the member for Renfrew North has spoken about are certainly issues that we face in a very similar type of area in the province, where we do have many smaller communities, many of them quite a distance from the main artery of Highway 17. The only thing I could wish is that we would see gas at 47.9 cents anywhere in my riding. We haven't seen that in years.

He talked a little bit about the gasoline retailers taking it on the chin and many of them withdrawing their pumps and that service to the community. I often watch, with that, the number of jobs that go. These are normally jobs that are performed by students for their spending money, for their extra money. I even know of a number of college and university students who take jobs at these retailers. To see them disappear from the community is not only a hardship for people like ourselves, who depend greatly on our vehicles to get from community to community, but is, again, a real loss when it comes to seeing these jobs disappear.

He also speaks — I have run into this a number of times — about retailers who have decided just to get out of the business and the cost to them. He mentioned \$15,000 to \$20,000 for them just to get out of the business. But when they're faced with temperature-adjusted provisions of a bill such as this — again, it is going to cost them anywhere from \$5,000 to \$6,000 to equip their stations — they're really wondering whether it is actually a benefit to them to have that product, and a good number of them, as the member has found in his area of the province and as I have found in the northwest, are simply just getting out of the business. Again, he made some very good points and some points that I share with the member when I travel throughout northwestern Ontario.

**Mr Gilles Pouliot (Lake Nipigon):** Bon après-midi. I always welcome the opportunity to listen to the member for Renfrew North. He is also the co-dean of the House. He has been here the longest. He's talented. It makes one quite envious. If you were to have a consensus, he would win hands down as being the most articulate, the best orator in this House. He is so articulate that no matter what subject matter he is addressing at any time, he brings to it confidence, knowledge — it's good that he is well researched. In fact, if it wasn't the Legislative Assembly of Ontario Library, it would be the Sean Conway Library. I guess we will have to wait another decade or so before it gets renamed. There's no question, member for Renfrew North, we need the darned stuff. Inevitably we're tied; it's a lifeline.

Mr Rollins, the member for Quinte, a member of the gas-busters, probably knows more than anyone in this House about the flow, about the way the system works, simply because he has been there, done it.

The member for Etobicoke-Humber, Mr Ford, knows likely better than anyone in the House the market conditions of those conglomerates.

As a consumer and as a citizen — again, you give at the pump handsomely if you live in Lake Nipigon; we're remote; the winters are longer; we're more dependent for we have no alternative — I think the fix is in. Is it a coincidence that most pre-statutory holidays the prices don't increase, they jump? It's not a matter of distribution. It's not only a matter of economy of scale. It's a cartel. It's a monopoly.

**The Deputy Speaker (Mr Bert Johnson):** The member's time has expired. The member for Renfrew North has two minutes to respond.

**Mr Conway:** I want to thank my colleagues for their comments and observations. I'm particularly interested to come back to a point that Mr Silipo, the member for Dovercourt, made. Let me be clear on my central concern. Under subsection 2(4.4) of the Gasoline Tax Act, we have the formula and the formula is very clear: "The tax imposed by this act shall be computed in accordance with," as a practical matter, the automatic temperature compensation. That's what goes on in virtually all circumstances today. The problem with that is, by all accounts, talking to people in the McTeague inquiry, talking to operators, because the automatic temperature compensation system is based on a 15 degree centigrade standard, that means in most cases the consumer is paying for more product than he or she will be receiving most of the time in Canada, because of weather.

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If you're paying for more than you're actually getting, that obviously produces a windfall, estimated by Mr Denley and others to be about \$100 million annually to the industry in Ontario. If I'm wrong, Bill Grimmer or somebody will correct me. But I can't imagine that if the ATC, the automatic temperature compensation, formula is the one that's operating and it's flawed, because in Canada 15 degrees centigrade is too high an average, thereby meaning consumers pay for more than they get, meaning the oil companies get more revenue than they deserve for the product sold —

**Mr Pouliot:** A rip-off.

**Mr Conway:** It's a rip-off on the consumer and it's also a windfall to the province because of the way our tax structure is formed. I am concerned. If I'm wrong, will somebody correct me, because my constituents want to know.

**The Deputy Speaker:** Further debate? The Chair recognizes the member for Dovercourt.

**Mr Silipo:** I just want to indicate that I'll be doing the lead speech for our caucus on this and I appreciate the indulgence of members in allowing us to defer it from last night's debate. I also want to say, as a courtesy to who-

ever is following from the government side, that I probably will not use up the entire hour, just so they know that.

I actually want to start my comments on this bill from what was being discussed in the last round in the exchange following on the presentation made by the member for Renfrew North. I sincerely regret that I wasn't able to be here earlier in the day to hear the member for Quinte. I caught pieces of his presentation when we were in sub-committee of the finance committee dealing with some preparations for meetings that we need to have. I caught a bit of the flavour.

One of the questions I would have as I look at this bill is, in light of what he was saying in response to the member for Renfrew North and in light particularly of the issues that both he and the member for Renfrew North were addressing, I'm not sure to what extent this bill, particularly with what I understand to be the central provision, that is, of changing the volume adjusted measurement of how we calculate taxes according to the temperature adjusted volume of gasoline, how that is going to at the end resolve the problem. In fairness to him and others, I gather he was saying that it may improve things a little bit, but it doesn't really resolve the fundamental problem.

I find that interesting, because this bill is being presented to us as essentially a bill that is not way up there in level of importance. In fact, it's putting into legislation something that the industry is already adhering to in terms of their practices, that is, they're complying voluntarily with this measure. This measure, as I understand it, and I certainly don't claim to be an expert in this aspect of taxation, right now we have a situation, at least as the law sits, that we don't have a match between the way gasoline when it's pumped measures in volume compared to how the taxes are calculated.

That is important because depending on the temperature gasoline expands or contracts, as the case may be, and as a result of that, as the member for Quinte was saying, if I understood him correctly, when you think you're buying five gallons worth of gas, you may only, depending on the time of year, be buying four and a half gallons but you're paying for five gallons. Then in terms of the taxes that come to the governments, both federal and provincial, of course it does make a difference as to what particular volume they are tied to, because if it's on 4.5 or 5, to use that example, there is a difference in the taxes that flow.

I appreciate very much the short, concise note I received from the ministry officials. When I asked yesterday in the briefing what this means in terms of industry practice now, I was told, and I think the officials reiterated, that this is something the industry is doing — that is, they're complying now with this provision — but obviously putting it in the law would be clearer, would make it more compelling and would make it enforceable where there may be companies that change their practices or might want to change their practices.

I am particularly interested in this issue that I don't think is resolved yet. Once you've addressed that issue around how you calculate taxes, you still have a problem

if, as was pointed out earlier, you do not have a situation in which the temperature that becomes the standard for that, in terms of how you gauge the temperature up or down — if the standard in use, the 15 degree centigrade standard, is too high an average based on the Canadian reality, if that is based more on what would be sensible in the American experience, then you aren't providing the sense of fairness that I think we want to see and that I suspect this bill purports to bring about, but that I guess probably does not to the extent that we are being told it does.

As I look at this legislation, despite the very useful briefing, despite the comments I've heard from a number of members and others, I come out of it, at this stage of the game, with more questions than I have answers for in terms of what this bill actually does. I will be following closely the rest of the discussion and looking in more detail at this bill in terms of its impact, but whatever happens — obviously, this government is intent on passing this bill — we know there will continue to be some concerns that need to be addressed.

How many of us in this House have from time to time brought to the attention of the government the ongoing problem with gas prices at the pump, to the fact that whether you live in downtown Toronto or west-end Toronto, as I do, or whether you live in small communities in Ontario, we see this constant pattern evolving — perhaps it's not as predominant now that we're into the winter months but it still exists now in some parts of the province and certainly it's something that's quite prevalent during the spring and summer and fall months — of gas prices all of a sudden, seemingly magically, going up when we get to long weekends or generally most weekends, when we get to situations in which there's going to be greater demand.

As I was indicating earlier, our usual tendency is to take that out on whoever is pumping the gas into our car or running the booth, as more and more places are self-serve operations. We often find ourselves in a situation where we are taking out our frustration against the wrong people, because as was pointed out earlier, we see a situation in which many of those good people are either people who work in those places or, if they happen to be the owner-operator, are working under rules that they themselves do not set but are set by the big oil companies and over which they have very little control.

I believe there is an ongoing issue of how those prices are set, of how most consumers, in my view, continue to pay more than they should for gas. In terms of trying to be fair, one is always tempted to say that compared to other jurisdictions we are paying more than what is generally paid in the United States but we're not paying a lot compared to what many other jurisdictions like European countries pay. But I think we have an ability here, in terms of where the raw product comes from and our closeness as markets to the source, that there is complete justification for prices being much lower here than they are in many European countries, and there's justification for them often being lower than what they actually are at the pump.



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That is a problem that's going to continue. It's a problem that this particular bill, Bill 74, the Fuel Tax Act and Gasoline Tax Act, is not in any way addressing. I suppose, to be fair to the government, we should indicate that although they have set three days of debate on this bill for this week and thereby I believe indicated that they want to get it done, it's also fair to note that this bill has been sitting around since the last sittings. In fact, it's a reiteration of the former Bill 173. In fairness to the government, they haven't exactly plunged forward with this, saying this is the first and biggest issue they need to deal with, but it's interesting that they now want to clean things up and want to try to get, among other things, this particular bill passed.

I suspect that, come tomorrow, we may have a little further insight into why that may be. I am among those who believe that when this House recesses just before Christmas, we likely may not come back and that we will have a provincial election at some time in the spring. Depending on where you want to put your quarter, it could even be in late winter as opposed to spring.

It may be that the government simply is finally coming around to looking at the pieces of legislation that are outstanding and saying, "This particular bill, for a variety of reasons, either because we want to be consistent with the federal provisions" or because they want to be able to say to consumers that at least they are trying to do something here to address the way taxes are measured with respect to gasoline and fuel — they want to get this thing done before the winter session is finished. That may be an indication of what's going to come in the spring.

I pointed out earlier something that's going to be happening tomorrow. We just learned today that the Minister of Finance is going to make his annual economic statement tomorrow. I'll be looking forward to it not just as the finance critic for our caucus but as a member, and I'm sure other members will be looking forward to what he has to say about what has been happening.

This has not been a particularly positive week for the Harris government, so I'll be interested in how they try to spin whatever numbers and message are in the statement tomorrow. We know that central to whatever the Harris government portrays in its message is always the issue of taxes. How many of us can forget the days when the now Premier used to run around the province touting himself as the Taxfighter, whether it was around fuel taxes or income taxes or any kinds of taxes. Those were the days —

**Mr Garry J. Guzzo (Ottawa-Rideau):** That's this week.

**Mr Silipo:** That's this week. Well, I don't know.

**Mr Guzzo:** He's still there.

**Mr Silipo:** He's still there? If he's still there he seems to have taken a very different tack to that. I just find it interesting that as the whole tax scheme of the Harris government — I don't mean just the 30% income tax cut but the whole tax scheme — unfolds and unravels, we are seeing more and more the true picture. The days when Mike Harris used to say that there was only one taxpayer,

which at that point was important to him — in saying that, he would indicate that you could not resolve one tax problem, ie, the income tax problem, by pushing the problem on to another tax such as the property tax. Lo and behold, that was a convenient slogan for Mike Harris to use when he was sitting basically over here where we in the New Democratic Party are now, when he was the third party and he was running around the province saying to people, "There's only one taxpayer at the end of the day." Whether it's property taxes, income taxes, sales taxes or fuel taxes, for that matter, they're all at the end of the day being paid for by the same taxpayer. How true that is.

But how true it is also, in my view, that Mike Harris and his government and his policies seem to have forgotten that. What have we seen happen? The central piece of the Harris government's tax implementation — not message, but implementation — has been the 30% income tax cut. That 30% income tax cut is one which, even by the government's own numbers, shows that the vast majority of the benefits of that tax cut do not go to the average families in the province. They certainly don't go to the 60% of taxpayers who make under \$38,000. That 60% of taxpayers earning less than \$38,000, they don't get a big chunk of that tax cut. In fact, they get about the same amount, in terms of dollar value of that tax cut, that goes to the top 6% of taxpayers, a very small portion of taxpayers who make over \$80,000, and it's that small portion of taxpayers who get about \$1.5 billion in terms of the tax benefit.

As if that wasn't bad enough in terms of what that has done, because one of the things that has done is that it has spread the gap between the wealthiest citizens in our province and the poorest citizens in our province, it has also squeezed out people in the middle, the middle class, and we're going to talk a little bit more about this tomorrow with a private member's resolution.

Even within the middle class — and that's obviously shifting, whenever you use that term; it's a hard category to plant down and say it's people making between this amount and that amount. But people who are generally in that middle-income range, whether they're a one-income family if they're fortunate or have had to resort to being a two-income family, what do they find? They're finding that any benefit they've had from the tax cut is more than eaten up by additional costs they've had to pay, not because somebody else made those decisions but directly because of the decisions the Mike Harris government has made. They in part, although it's not obvious, see that in terms of what they deal with if they drive a car and have to pay the taxes whenever they put fuel in their tanks. Government members will say: "What's that got to do with it? That's not changed." It hasn't been made any better, I would say at the very least.

But they certainly see that when they pay their property taxes, for example. They see that when they try to pay the additional increases, 20% at least in tuition fees if they have children who are trying to go to college or university. They see that if they're seniors and they have to pay the

additional amount to get their prescriptions filled. They see that in all sorts of ways that were not there before.

The time when Mike Harris used to say, "There's only one taxpayer," meaning that you shouldn't shift the tax burden from one category to another, seems to be way back in the background as far as he's concerned. I don't hear him saying that very much these days. Nor do I hear him talking about the fact, as he used to say, that, "A user fee is simply a tax by another name." Now municipalities are putting on all sorts of user fees. This government itself — through the direct imposition of fees through a number of the ministries and increasingly through a number of orders by ministers as a result of legislative changes that have taken those increases from having to be done by regulation and at least some element of discussion within the cabinet, if not in the public realm — has taken that power back into the hands of individual ministers and ministries, and there are now more and more user fees being imposed. There has been a huge array of increases on that front.

I continue to ask myself, as we deal with things like the Fuel Tax Act, what particularly the relevance is of trying to deal with something like this when you have all of those other pieces of legislation out there and you have all of those other activities out there.

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I still don't understand what message the government wants to give on this, if they're trying to make the system a little fairer, if they're trying to be tough with the big oil companies. If it's true that they're complying already with many of these provisions, then this is legislation that I suppose doesn't harm the situation, but it doesn't make much of a difference in terms of getting it implemented. If, on the other hand, even this legislation doesn't address the concerns members earlier were indicating, which I would concur are not being addressed, then why doesn't this bill address those very clear issues? Why doesn't it address the question of the kinds of practices oil companies have on an ongoing basis in terms of being able to not only bring prices up and down as they wish, but also this question of how even after these provisions are put in place they will be able to continue to control to some extent the temperature that's applied to the gas and fuels and then consequently what that means for the public coffers?

Is this, strangely enough, a situation in which the government is quietly not dealing with the problem because it wants to ensure that the revenue continues, if not increases? Dare I say, would that be, then, an instance in which the Mike Harris government is quite prepared to see a certain flow of taxes back into its coffers and indeed even perhaps some slight increases in taxes, this again from a government that says they're the Taxfighter, this again from a government that says that they believe there's only one taxpayer?

If that's the case, then I would say that the three days and more that we will be spending in debating this bill could have been better spent in dealing with those more significant issues of how to address and how to limit the kinds of increases that people see, in this case in terms of

gasoline prices and certainly, as I've been indicating, in terms of other areas.

I said earlier that this has not been a particularly good week for the government. We saw earlier today in question period the kind of situation in which the Minister of Community and Social Services was continuing to try to defend the indefensible, trying to defend a situation in which she admitted yesterday here in the House and eventually admitted again today that the ministry — she kept saying "the ministry"; I found that interesting — had basically made a major blunder, a major mistake in the awarding of the contract to Andersen Consulting under the new procurement policy they have brought about for the business transformation project — I think that's the name of it — which is the next phase of putting in place a new automated system in the Ministry of Community and Social Services to develop and implement the business processes and the technologies that are necessary to run the new social assistance system.

I found it interesting that the minister at one point kept going back to the issue that we had begun this process. She kept saying, "You didn't resolve the issue." Just for the record, and it's not just because I spent a couple of years in that place as the minister, when we began the first phase of automating, bringing up to date the computer system in that ministry, which was way out of date and way out of line with the ability to keep up with the changing needs of the system and the changing complexities of the social assistance system, we did manage to bring into place the first stage of that. The auditor notes that in his report and notes that the first stage had been completed.

Then the government of the day, the Mike Harris government, began a subsequent stage, which they had to also modify because they had to put into that the Ontario Works provisions that they have been so staunch about doing. It was at that point — and I want to be very clear about this, not just because I say so but because the auditor makes that very clear — that we ran into the problems of the ministry, and I again use this term for now, entering into this contract with Andersen Consulting that we have been addressing here for the last couple of days. Why do I raise this? Because we are talking here about taxes, taxpayers' money that has quite frankly in this case been mismanaged.

From a government that prides itself on wanting to spend taxpayers' money wisely, prides itself on saying that they know how to manage things, we see a situation where the auditor blasts the government for signing a contract with a private consulting company that first of all they say did not follow the proper process in terms of identifying which should be the best company to do this work. They just set aside the traditional issues of dealing with which would be the most cost-effective of those companies, and they went from that into determining that they would do this on the basis of a company that they felt had some expertise. Under the new system that the government has set up there is nothing particularly wrong with that notion, but there is something particularly wrong



when they then enter into an agreement, as the auditor finds, in which you basically say to the company, "You write the rules and we'll send a cheque." That's really what it comes down to.

Again I say, from a government that prides itself on being the Taxfighter, a government that prides itself on wanting to defend the individual and their families, whether it's on this issue in a general way or specifically on the issue of social assistance, taxes that go to pay for those services, taxes that come out of the taxes that we pay at the gas pump or anywhere else — you cannot have a situation in which the government continues to try to justify or tries to explain, as the Minister of Community and Social Services did today, that the throwing away, in my view, of up to \$180 million and more, depending on the provisions of this contract, of taxpayers' money was somehow justified.

When the auditor himself finds that payments totalling \$15.5 million to Andersen Consulting were made up to March 31, 1998, just taking that period alone, and that during that same period, of that \$15.5 million, they were paid \$13.1 million more than their costs for that same period — the auditor is saying very clearly, "You have paid this company \$13 million more than you should have paid."

He goes on to outline line by line other problems, other costs that were paid. For example, Andersen Consulting was allowed to be refunded \$1.4 million for out-of-pocket expenses. Then the auditor says, "We noted that Andersen Consulting charges for out-of-pocket expenses averaged approximately \$26,600 for each full-time-equivalent position assigned to the project during this first year." I think it behooves us to continue to remind this government —

**Hon Jim Wilson (Minister of Energy, Science and Technology):** I don't think the auditor's report is part of the bill.

**Mr Silipo:** The auditor's report may not be part of the bill, I say to the minister opposite, but the issues that the auditor raises which have to do with the safeguarding of taxpayers' monies and the whole issue of how that relates to what has been central, I believe, to this government's approach and policies — which is that they know how to manage and that they have uppermost in their interest the interests of taxpayers. That's what they are telling us is here. That's why this fuel tax bill is here, and what we see is example after growing example in policy area after policy area of where the government is not doing that.

**Hon Mr Wilson:** What did the auditor say in education?

**Mr Silipo:** I would be happy to talk about what the auditor said with respect to education, if the minister wants me to do that.

**Hon Mr Wilson:** As long as it has something to do with the fuel tax.

**Mr Silipo:** Well, you asked. I'd be happy to talk about it, or I can go back and talk about —

*Interjection.*

**The Deputy Speaker:** Order.

**Mr Silipo:** Speaker, I will obviously always bow to your rulings in terms of whether I move away from the topic. I come back to this issue of how the Mike Harris government is managing the public coffers of the province and how it goes about determining taxation. It's not only the unfairness that they create as they shift costs and as they shift the burden of the taxes and the services we pay for through those taxes more and more on to the backs of both low-income families but increasingly middle-income families, I guess it raises for me ongoing questions about even a bill like the one that's in front of us, Bill 72: How innocent is this bill and how innocent are the provisions?

1700

I'll be honest with you. When I looked at this bill, I thought, yes, there's the broader issue of gas prices, and we've all been talking about that, and in terms of what this bill purports to do, it sounds like it's a useful thing. But then you begin not only to hear about people's experiences at the gas pumps but you begin to look at the practices of the various oil companies and what is going on, and you ask yourself: Why would this government act in this way and not address the fundamental problems in this industry in terms of the still large role and flexibility that oil companies have to make the kinds of decisions they do about gas prices, primarily, and how does a government that purports to be the defender of taxpayers justify not acting on those fundamental issues?

As I said earlier, is it because in this case they want to make sure that the tax monies are there because they're finding they have growing problems they have to deal with? I'll be very interested to hear if the economic statement that the Minister of Finance is going to release tomorrow will shed any more light on that, will shed any more light, quite frankly, on the broader fiscal policies of the Mike Harris government. I'll be interested to see what will happen to some of the funds that have been accumulating in various pots, in various ministry lines and budget lines, as we go over the next few months and as we head into an election, as I believe will happen in early 1999.

There are many people, including myself, who are looking forward to that election and think it can't come too soon, so I'm not going to be complaining if what we see tomorrow and in the days subsequent are the signals that an election is coming sooner.

Certainly, as I go now to two and three meetings an evening in school after school in west Toronto, which has been severely hit by the school closures policy imposed by the Harris government, I can tell you that lots of parents and others in my community are saying to me, "The sooner we have the opportunity to turf out Mike Harris and his government, the better." What I am able to say to them is that what I have seen from Mike Harris and his government has been a consistent approach in terms of how they deal with taxes, and that approach has been based on the very clear premise that philosophically what the Mike Harris government believes in is making things better for that small portion of people who already are reasonably well-off.

I said earlier that 6% of taxpayers make over \$80,000. They get \$1.5 billion worth of the tax cut. That's 26% of the value of the tax cut. That same 26% at the other end has to be shared by 60% of taxpayers. What does the government have to do to find that money? It's all borrowed money, it's all money that adds to the debt, it's all money that pushes out the reconciling of the deficit year by year. What does the government have to do? It has to borrow some of that money, but it also has to find some of that money. From where? From within the major areas of expenditure, health care and education being the primary ones.

So it comes up with a new funding formula that says to school boards, "You're going to have, when that's fully implemented, less money than you have today." That's certainly the case here in Toronto, both on the public and the Catholic side. As a result of that, we're going to see school boards, certainly the ones here in Toronto but many others across the province, forced into having to close schools to meet the new funding formula.

When I look at what the Harris government is doing to schools in my community, I say not only is it time to change this government but it's also time to change to a government that's prepared to reinvest in education, that's prepared to also say, as we have been saying in the New Democratic Party, how we will find that money, quite frankly unlike our Liberal colleagues, who tend to say, "We don't like what Mike Harris is doing." But ask them how they will find the money to reinvest when they say they want to reinvest in education and you just get some answer that it will come out of the growth in the economy. That growth in the economy may be there or it may not be there, because who is able to tell you with any certainty what's going to happen to the economy of Ontario over the next two or three years? We all hope it will continue to grow. We all hope that will result, among other things, in more money coming into the public coffers and therefore allowing governments to deliver the services we want. But what we have seen is a deterioration of those services, and that's what I fear is going to continue to happen.

As I look at this particular bill, Bill 74, there is that kind of question in my mind: What does this do to deal with the problems we have all been raising in this House about the ongoing increases in gas prices? It doesn't do very much. It purports to deal with one piece of that in terms of how you calculate the taxes at the gas pump, but I'm not convinced that at the end of the day — I know it doesn't do anything about the gas prices. Even to take the ministry's own line, it's a bit of a wash in terms of revenue to the public coffers. The more fundamental issue, as I have been pointing out this afternoon, is, if it doesn't do anything to address that major issue, then why are we not addressing that issue? If this is a bill that isn't going to make any big difference in how taxes are calculated and what that means to gas prices at the end of the day, then what is the point of having this, against some of the other things that we could be and should be dealing with?

I don't want to belabour the point. I would rather listen to the exchange that will follow, particularly to the debate

that will follow, although I would be delighted, if the Minister of Energy wants me to, to talk about more pieces of the auditor's report. I don't think he really wants me to do that, so I'll close by saying we will follow this discussion. We will probably not object to this particular piece of legislation going through, because in and of itself it doesn't make the situation any worse; in fact, it clarifies things in terms of how the taxes are calculated. But it certainly does nothing to address the fundamental issue of what the problem is in this area, which is both the increasing cost of gas at the pump as well as the issue of the continuing control oil companies have, particularly to determine those prices. I don't think this legislation does very much to rectify or improve that situation.

**The Deputy Speaker:** Questions and comments?

**Mr Rollins:** I would like to make some comments about the member for Dovercourt's comments. When he talked about the Mike Harris government worrying about the taxes, I think somehow or other he skipped a page here in this bill, because in this bill it does exactly that. It wants to make sure that the taxes collected out there are put back into the treasury at a much quicker rate.

I know that out in British Columbia they're trying to do it on the 15th of the month and the end of the month and the oil companies are crying. One of the reasons the major oil companies are crying is because it affects their cash flow. The cash flow they've been used to holding on to and being able to use for some 60 or 90 days they now have to put back that much more quickly. When that money is paid out that much more quickly into our coffers and our treasury, regardless of whether it's borrowed money or money that's above that red line, it still means that money comes back to the taxpayers to be spent in other areas much more quickly and we do not have to borrow the kind of money we have had to in the past.

I know that the major oil companies, the CPPI, feel that all the collectors, regardless of whether they're big or small, should be the same and that they should be able to have the same privilege as the big collectors or the small collectors. They're only doing it for their own interest, because if the oil companies do not have to write that \$1 million or \$2 million or \$3 million cheque, they can hang on to it in their bank account — I'm sure their bank account works the same as yours or mine — and it shows up on the plus side and they can hang on longer to that money that really isn't theirs. If we were to do the same thing as the federal government, and that's what this bill wants to do, to follow it through the same as the excise money, they would pay it much more quickly. That's why we want to see this bill put through.

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**Mr Micalash:** It was with great interest that I listened to the comments of the member for Dovercourt. His expertise in this area and many others brings a great amount to the House.

It was interesting when he got on to the auditor's report, speaking a little about what it has meant for this government. It's always interesting to know that there is a little bit of nervousness among the cabinet and among



government members when it comes to this. You see that when you get the chirping back from the ministers and the members who are present.

In terms of what he had to say about the control of the oil companies, this is a very serious matter. I go back to the 1990 election, when many of the folks in Sudbury East thought they were going to elect a member who suggested they had some grandiose plan about equalizing gas prices across the entire province. I tell you, that promise during that campaign resonated throughout my region. I heard a great amount about it, the member suggesting she could do that. Of course the question was how. Then we saw this particular member for Sudbury East, Ms Martel, get into the cabinet of the NDP government, and for five years I kept looking, as did many of my constituents, many people in northwestern Ontario, whether it be from Fort Frances, Rainy River or the new portion of the riding, for that promise to be fulfilled. But over those five years, nothing happened in terms of gas prices. All we saw in the northwest was their continuing to rise.

I go back to what we consider, in many cases, as the lifeblood of our existence in the northwest, where we depend on gasoline, and a commitment made by a former government that did nothing about gas prices over those five years.

**Mr O'Toole:** I have a couple of comments to make in response to the member for Dovercourt's comments. First, specifically on Bill 74, which he referred to as Bill 72 — it is Bill 74 — that's the discussion. Much of his debate was not specific to that, but I will comment on one thing. Talking to the motive fuel issue, I should bring to the member's attention that in the 1997 federal budget, the 15 degree ambient temperature was passed in their legislation. That's the federal Liberal position, that 15 degrees would be where this motive fuel temperature would be measured for volume. So we're following suit to make consistent agreements. I think it's a wash if you consider that the buyer-consumer and everyone is getting the same opportunity to pay at a consistent rate. That's going to address the issue of the volatility of the temperature between when it's loaded in the truck, when it's unloaded at the station etc. The federal Liberals passed that in the 1997 budget and I think it's important to be consistent.

In the couple of minutes left, the member for Dovercourt made a point of the high-end taxpayers. He's not telling the complete story on this. The high-end taxpayers of Ontario certainly are getting a tax break. In fact, it's less than 30%, arguably, and when you factor in the Fair Share health levy, which clicks in at around \$50,000, they are going to be paying more. But for the record, you should know that over 70,000 Ontarians are going to receive a tax cut of in excess of 30%. A typical example of that, for the member for Dovercourt, is that a taxpayer with a family of two, earning between \$25,000 and \$75,000, will receive 64% of all the tax savings. Some 64% will go to that middle-income, hard-working Ontarian.

**The Deputy Speaker:** The member for Dovercourt has two minutes to respond.

**Mr Silipo:** I appreciate the comments made by members on all sides. I want to say to the member for Quinte particularly, yes, if this bill makes the payment of taxes by the companies a little faster — and I appreciate that it does do that, in part — as I indicated, despite some of the reservations about what the bill does or doesn't do, we will likely give it our support. We don't think it brings about great harm, and certainly the attempt to bring consistency with the federal measure is at least sensible in terms of an approach. I was simply highlighting the fact that this doesn't do anything to address the broader issue, and I appreciate that this is an issue that no government has managed to resolve. We know that the jurisdiction for that doesn't all lie here provincially, that a lot of it lies federally.

It behooves us all to try to continue to address not just the issue of what the price of gas should be and consequently the taxes that come into the public coffers from that, but this practice of constant up and down and the manipulating of prices and setting of prices. I think that most people looking at this in a very commonsense way would be right in concluding that they don't have anything to do with market flows or with the flow of gas and the cost to the companies, that they have much more to do with how much money the companies feel they can make when for example you have a high-volume-traffic weekend coming up and all of a sudden prices go up.

That's an issue that applies across the province. I appreciate that there are some particular concerns in northern Ontario, and as an Ontario member I certainly will continue to be supportive of whatever we can do to improve that situation, which so far no government of any stripe has yet managed to fix.

**The Deputy Speaker:** Further debate?

**Mr Hudak:** I'm pleased to rise to join the debate on Bill 74 this evening. Before I begin some prepared comments, I'd like to express my understanding of some of the issues that were brought up a little bit earlier in the debate this evening with respect to the differences of temperature and volume.

My understanding of this legislation is that it doesn't condone industry standards in terms of the 15 degrees centigrade or an ambient temperature or what have you. It simply ensures that there is tax consistency, whichever method is used. If a retailer were using the 15 degrees Celsius as his measurement, this legislation would ensure that taxation is arrived at using that method. Similarly, if ambient were the method being used, then the taxation would be at ambient.

What this legislation is calling for is consistency, a consistent approach, whichever of those methods or some other method is used. Fifteen degrees Celsius was used because that is a federal standard. As well, it parallels international standards. In fact, it's been around, I understand, for 70 or 80 years, from information that's been given to me.

Whatever the standard, to make it clear from the earlier debate, we want to ensure that taxation reflects that

standard so that it's treated fairly and consistently with whatever method is used.

Second, to comment on Mr McTeague's report, the vast majority of that report deals with issues clearly in the federal jurisdiction. I want to bring that debate a little bit back home and put it into the scope of Bill 74.

Before I begin my prepared comments, which I will now do, Mr Speaker — I know you're looking forward to what I have to say on Bill 74 — you probably recall that yesterday my colleague from Muskoka-Georgian Bay, also known as Bill Grimmett, mentioned some of the major aspects of Bill 74, to use the vernacular. We talk about bill numbers, and the member for Durham East knows this well, but to make it clear, it's the Fuel and Gasoline Tax Amendment Act, 1998, Bill 74 for short, which delivers on the commitments in both the 1997 and 1998 Ontario budgets to make the rules for gasoline and fuel taxes more fair and more efficient.

First, this change to gasoline tax remittance fulfills a 1997 budget initiative to minimize liquid reserves and to optimize provincial cash flows by ensuring that revenues are collected and payments are made on a timely basis. The 1997 and 1998 budgets announced that the Ontario Financing Authority would look at ways of improving the timeliness of the province's cash flows.

One of those initiatives identified was accelerating the remittance of gasoline taxes. Currently, gasoline tax collectors retain taxes they collect at the pumps. Between 21 and 52 days is the typical range after it is collected. This Bill 74 proposes to change the remittance, reducing the time the industry holds on to provincial tax money from 36 days, on average, back down to about 22 days, so about a two-week reduction in the time of remittance.

That's going to have an impact on the bottom line, obviously. The money is flowing much more quickly into the provincial coffers: a two-week shorter time frame. That will have an impact on the province's overall finances. In fact, the estimation is that it will reduce the province's borrowing requirements by approximately \$77 million. In the grand scheme of the overall provincial budget of some \$50 billion it may not seem like a lot, but in bits and pieces, as we work to ensure that we keep our promise of balancing the budget by 2000-01, every bit helps, and Bill 74 plays a role, a stepping-stone in that direction. That will work out to annual public debt interest savings of approximately \$4 million.

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I think I should use some of this time in my reflections on Bill 74 to discuss some of the other more technical matters in the legislation. I have a menu of items that I would like to bring up and put on the floor for discussion and debate for the rest of this evening.

One of the goals of this government that I would like to talk about, as well as working towards balancing the budget by the year 2000-01, cutting taxes to create jobs and ensuring work for welfare — some of the major themes of the Mike Harris government — is the goal to reduce red tape. Certainly, the greater encumbrances that red tape can impose on businesses and on government will

cause a waste of taxpayers' dollars and a loss of efficiency, a loss of productivity in the economy. In fact, a colleague also from Niagara, my neighbour Frank Sheehan, the member for Lincoln, who sits across, near the member for Middlesex, in rapt attention to my remarks this evening, is the chair of the Red Tape Commission. His goal in his commission is to reduce the red tape that government imposes on business, on the private sector, on individuals, and the red tape that's also imposed on the government or transfer agencies, not-for-profits and such. I have to say too, and I think all members of the House would agree, that Mr Sheehan, the member for Lincoln, is doing an outstanding job leading that charge in reducing red tape across the province.

*Applause.*

**Mr Hudak:** A strong round of applause in support, I would note for the record.

To further reduce the red tape, Bill 74 — and I think Mr Sheehan will be very pleased with this part of the bill — contains simplification and consistency measures made in other tax statutes. Let me give you an example of a simplification measure. The minister will be authorized to establish what chemicals can be blended with diesel fuel to make coloured tax-exempt fuel. Coloured fuel is fuel which contains a dye as prescribed by the minister. It is coloured to identify this fuel as a tax-exempt fuel, which must be used for a non-taxable purpose. However, if this fuel is not used for its intended non-taxable purpose it of course becomes fully taxable. The permitted use of coloured fuel — I think that would be uses for non-taxable purposes — would include things like powering vehicles such as farming tractors and mining equipment and using it as a heating fuel in other such instances.

By formal agreement, Ontario and Quebec switched to a new dye in November 1996. You probably remember this. About two years ago right around this time, Ontario and Quebec switched to the new dye. Additional changes to the dye are likely to occur in the near future as the dye formula is fine-tuned. All provinces are looking at a common fuel dye to ease administration and reduce compliance burdens on the industry, which makes tremendous sense, because there's a great deal of tourist traffic and commercial traffic, and we talked about the impact that inconsistencies and red tape would have on the agricultural sector. It certainly makes a lot of sense for all the provinces to adapt similar approaches to items such as this. We're all encouraged by the progress that Ontario and Quebec have made and we look forward to further progress in the near future.

As I said, with ministerial authority to establish the composition of the chemicals in the dye and concentrations used to make exempt-coloured fuel, there will be more flexibility to react to changes in the industry or to update dye requirements to accommodate any agreements with other jurisdictions, I guess suiting my previous comments.

As well, I would expect not only the minister and members of this side of the House, but the chair of the Red Tape Commission, Frank Sheehan, and those on his commission to probably think this makes a great — I would



never presume to speak for the member for Lincoln, but having worked with him in the last few years, I tend to know how he operates. Whenever he sees red tape being eliminated, it will usually bring at least half a smile to his face, a full smile when all the red tape is gone.

This measure would also permit the industry to provide government-approved tax-exempt product in a more timely manner.

Just to tell you about the dye requirement for exports, let me say that some Ontario dyers colour fuel to American specifications for export to the United States, as the Americans' coloured-fuel program accepts the same dye as Ontario's. However, the concentration must be double what it is in our province.

Although it is an offence to use coloured fuel to power licensed motor vehicles on the highway, this prohibition is sometimes disregarded. We have found that the existing prohibition and offence provisions are ineffective in deterring persons from engaging in illegal uses of coloured fuel. Therefore, in Bill 74 we are proposing new penalties which will deter the illegal use of coloured fuel and encourage compliance with the Gasoline Tax Act. That makes tremendous sense. Given the purposes I enunciated earlier as to why we have coloured fuel, to support areas like agriculture and mining, it isn't fair to the average taxpayer who will be paying at the pump, whether they're in Niagara South or in Perth, wherever they are across the province, to be using coloured fuel inappropriately. Where current methods are not successful in reducing the illegal use of coloured fuel, this bill is bringing in new penalties to deter that illegal use and make sure that coloured fuel goes to the proper purposes.

Bill 74, the Fuel and Gasoline Tax Amendment Act, 1998, also treats the use of coloured fuel in the tank of a licensed motor vehicle in the same way regardless of its source. The same civil and offence provisions will apply whether the coloured fuel was purchased in Ontario or out of province; some consistency once more.

Other simplification measures include the provisions relating to the collection and remittance of tax on special products such as diesel fuel produced from waste oil products. The issue of special fuel products deserves some attention. I've talked about it a bit, but I have a few more thoughts on this particular piece of Bill 74 for those in attendance this evening for the debate, or even those interested in Bill 74 watching at home.

New technology has produced alternative fuels and industry continues to look to alternative fuels for their uses as well. Several Ontario firms collect and refine oil into diesel and heating fuel, for example. Currently, the Fuel Tax Act defines "fuel" as "any gas or liquid that may be used for the purpose of generating power by internal combustion" but does not mention any other source than traditional crude oil. These companies do not have wholesale customers or terminal sites and therefore do not meet the act's current rules for collecting and remitting taxes and for dyeing fuel that they sell for non-taxable purposes.

To update, the member for Wellington has joined us this evening and I know the member shares many of these

same thoughts I'm bringing forward. You might say these are words right out of his mouth.

The member for Simcoe West as well; in my conversations with him on Bill 74 earlier this evening, he was very interested in the impact this bill would have on the constituents in the Simcoe West area, which I visited not too long ago, a beautiful part of the province, not quite rivalling Niagara, but all the same having its nice characteristics.

I know the member for Kingston and The Islands is about to say something about his part of the province. I've had a chance to visit; I was at Queen's not too long ago.

**Mr John Gerretsen (Kingston and The Islands):** Beautiful part.

**Mr Hudak:** Yes, we'd all agree that Kingston is a nice part of the province. I think too many probably run through Kingston on their way to Ottawa, and we'd certainly hope that those who are driving through Kingston or Ottawa or Simcoe West are not using coloured fuel illegally. As I said, in Bill 74 we want to ensure that those who are driving through Mr Gerretsen's or Mr Wilson's or Mr Danford's riding are following the rules set out in Bill 74 to ensure that the proper gas is being used for the proper purposes.

1730

Another important aspect of Bill 74 — and I'd like to think that the member for Bruce had an impact on this, because I know this is important to the member for Bruce, who has joined us in the gallery this evening. She's another member paying rapt attention to my remarks. I know the member for Bruce is very interested in the impact of Bill 74 on the constituents who have joined her this evening from, where, Kincardine? Close enough. Bill 74 removes operation barriers and makes it easier for those fuels to enter directly into the marketplace.

Finally, the 1997 budget announced that the time period for assessing tax and refunding tax would be extended to four years in all the tax statutes. The bill fulfils this initiative and amends the Fuel Tax Act as well as the Gasoline Tax Act to bring these tax statutes in line with other statutes. This is another measure of fairness, as people who have been overassessed on their collection of taxes will be able to appeal those decisions for a four-year period rather than simply a three-year period as in the past.

Another aspect of Bill 74 — I know I've addressed a number of aspects in my remarks on Bill 74, but earlier we were concentrating on particular areas with respect to the 15 degree centigrade versus the ambient temperature. I'll say again for some of the members who have just joined us that my understanding of that is we're not endorsing or condoning or even suggesting particular industry standards; we're simply ensuring that the tax treatment is consistent. So if you're selling the gasoline at 15 degrees centigrade, the taxation system will be applied in the same way, and similarly if it's the ambient temperature that you're using. It's the choice. The government is not imposing any particular standard, but if you do choose to sell the gasoline at the ambient, then the taxation must be there. We just want to ensure that there is

consistency at the pumps so that all those who are paying the taxes are paying their taxes in a fair and consistent manner.

Bill 74 will also provide consistency and a uniform, level playing field in the measurement of volumes by requiring the same system to be used for calculating fuel volumes, which is indisputably a fairer way to calculate tax.

Of course, the question is, what impact is this going to have on drivers on Ontario highways after the bill is passed and proclaimed? This bill will not affect Ontario drivers buying gas at the pumps but would benefit them as taxpayers. Since this government was elected in 1995, it has listened to Ontarians and taken steps to cut red tape and reduce barriers to business growth. It has made Ontario able to compete with other jurisdictions.

I can pause at this point to emphasize the things I have seen even in Niagara. I remember some time ago, in the early 1990s, the large number of businesses that were leaving the province, including those in my own riding, and heading to other jurisdictions. The reasons why were quite simple: high taxes, high debt, runaway \$11-billion deficits and red tape mounting day after day.

I remember working at the border. I could swear that some of the trucks coming into Ontario were filled with red tape that the NDP government was bringing into the province. Certainly that did not transgress the Customs Act, so as much as I would have liked to send those trucks back across the border, I was not permitted to do so.

Instead, I've taken another route. I ran as a member of the Conservative Party and was elected here to join members like the member for York-Mackenzie and, as mentioned earlier, Frank Sheehan of Lincoln to try to do our best to reduce the red tape from within government, since we couldn't stop them at the border.

The member for Simcoe West: I had the pleasure of working with him as Minister of Health, a great deal of experience in government. As somebody who was new to the political system, I have certainly benefited greatly from the wisdom and the experience of the member for Simcoe West. I'm going to ask him as well if my comments this evening were fair. He seems to be the member who has taken the most interest. I don't know if I've said something controversial this evening. I have a reaction from Simcoe West, so I'll follow up with him as to exactly his reflections on my comments this evening.

But I was talking about Niagara, and on the other side of the coin we're actually seeing more jobs coming into the Peninsula. The flow has reversed. Just a few years ago, in 1993-94, Niagara had the ignoble distinction of being one of the highest unemployment areas not only in Ontario but across the entire country. We had a rivalry with Newfoundland for the highest unemployment rate. Now we've seen that cut in half, so instead of a 14% or greater unemployment rate in Niagara, it's down around 7%. That's because we have reversed direction. We're cutting taxes; we're working towards balancing the budget; we're making sure that red tape is being eliminated across the province.

There have been a series of bills to allow us to do this, bills that members of the opposition may have thought of in the past, under the Peterson or Rae governments, but frankly did not have the courage to bring forward to make those significant but necessary changes to get Ontario back on the right track.

In the annals of this government, I'm not sure today where Bill 74 will stand, but I certainly see it as an important piece in the entire work of this government to reduce red tape and to ensure that Ontario is the leading engine of growth in Canada once again.

**The Deputy Speaker:** Comments and questions.

**Mr Michlash:** I have to say that we've learned a lot about the beauty of Niagara South and a number of other things about that area of the province. But what the member for Niagara South failed to address, of course, is the gas prices as they are throughout the entire province. If he knew anything at all about the rest of Ontario, this is a bill where we would hope he would talk a little bit about the taxation on gas as it applies throughout the entire province.

I have indicated a number of times this evening that if you take a look at prices in northern Ontario compared to some of the ones that have been mentioned already tonight, such as 47.9 in Belleville — we haven't seen prices like that for many decades, never mind years. But again, the member for Niagara South could have maybe redirected his comments to talk a little bit about consistency at the pumps, where prices would be consistent throughout the entire province. If he would listen to Ontarians, and when I listen to Ontarians, one of their major concerns when you talk about gasoline, of course, is the cost and the variation in that cost across Ontario. I go back to the fact that in northern Ontario, where we're off the beaten trail, you don't want to even know that you're going to be paying anywhere from 65 to 75 cents a litre for gasoline.

I was kind of hoping the member for Niagara South would have had a few insights into that and offered a few comments on that, rather than trying to tell the folks out there that everything is all rosy, with a cut in the debt. The last I heard, the debt is on the rise in Ontario, and for him to suggest that we are even close to having a debt that has not risen over the past three years of his government is total bafflegab as far I'm concerned.

**Mr Rollins:** I'd like to rise today in support of the speaker from Niagara South. I think he put a little bit of a twist on the bill than we have heard before today.

Having been around the industry for a little while, one of the reasons they dye-colour is so they can protect their product. One of the ways they can protect the product is that they know the product that is in there is a certain colour. If you see a product coming through the pipeline that, for instance, is regular grade, which has a kind of yellow cast to it, and all of a sudden it starts to turn to a red colour, you know then that it is a high-test gas.

They still have to purify the test of it, but it's another test so they cannot contaminate their higher product. That's one of the reasons the industry needs the colouring



in the fuel product, particularly when they use more than one product on one truck and particularly when they use more than one product in different compartments on that truck, so they can see that the product that is coming out of there is the right product going into the unleaded tank, or the high-test or mid-grade tank. That's one of the reasons it's in there.

The dye colouring, when it goes into a product that's made from recyclable oil, as the member for Niagara South spoke about, makes sure that colour is put in there and also gives us the opportunity to make sure that our tax is collected. If our taxes aren't collected on that and we end up with people using and trying to evade the tax, it also gives us the opportunity to identify those people who are not paying the full tax at the start and are putting in fuel that hasn't had the proper tax adjustment. The colour does allow you to see that. I just want to support the member for Niagara South again.

1740

**Mr Gerretsen:** I certainly bow to the member for Quinte and the knowledge he has about this particular matter. As I understand, he was in this business before he joined us here in the Legislature.

I would also like to mention that I understand he is one of the gasoline commissioners, one of the three people out of the Conservative caucus who are going around the province to make sure that the gas prices aren't going up. As a matter of fact, one Saturday morning about three or four Saturdays ago, I heard the Minister of Consumer and Commercial Relations, David Tsubouchi, saying in all seriousness — I heard this three or four times on the news that day — that one of the reasons the gas prices went up before that particular long weekend was that the gas-busters had not been working the day before. I'm sure they were doing other work, but he really wanted the people of Ontario to believe that because his three Conservative backbench members were not on duty and were not telling the gasoline companies what to do and what to charge on that weekend, that's the reason the gas prices went up. I may be a little bit skeptical about that.

First of all, I don't think these members, as well-intentioned as they are, could possibly cover the entire southern part of this province, even if they were able to get from place to place in a heck of a hurry. I somehow wouldn't like the people of Ontario to truly rely on the expertise of these three gentlemen to do something about the escalating gas prices, particularly right before long weekends. The problem goes much deeper than that, and the quicker the Minister of Consumer and Commercial Relations deals with the problem and tries to protect the interests of the motoring public in Ontario, particularly before long weekends, the better off we will be.

**The Deputy Speaker:** The member for Niagara South has two minutes to respond.

**Mr Hudak:** Thank you for the comments and observations from the members for Kenora, Kingston and The Islands and of course Quinte, a tribute to whom I made a bit earlier in my remarks this evening as somebody who has a great grasp of this issue and this piece of legislation.

I'm going to centre my remarks somewhat on the comments of the member for Kenora. I don't recall if Kenora was a member of this House — I apologize; I should know this — during the reign of the Peterson-McGuinty Liberals. Certainly I would expect that some of the choices made at that time were supported by the current leader of the Liberal Party, Dalton McGuinty, and I expect some of the backroom whiz kids like Bob Lopinski may have been part of these decisions too, but I think we should reflect upon them in the minute or so that I have.

The member for Kenora was concerned about the impact of gas prices at the pump. We can't lose sight of the large number of significant gas tax increases that were imposed by the Peterson-McGuinty-Lopinski Liberals.

**Mr Gerretsen:** Lopinski Liberals.

**Mr Hudak:** Yes, the whiz kids like Bob Lopinski may have been behind the gas tax hikes. I'm not sure where the member for Kingston and The Island sits, but he's taking away some of my time.

In 1985 gasoline tax was hiked, a \$79-million proposal, and fuel tax was hiked as well in 1985. The Peterson government took a break because an election was coming up, but then they came back with a vengeance in 1988, a \$167-million tax grab by the Peterson-McGuinty Liberals in 1988, and they came back one more time, in 1989, with another grab, a \$297-million gas tax rate increase, as well as a fuel tax increase. They were on a roll in the late 1980s, and we don't want that again.

**The Deputy Speaker:** Further debate?

**Mr Gerretsen:** It's always a pleasure to follow the member for Niagara South, because he adds a certain amount of levity to the situation here. People who watch this on a regular basis must be getting sick and tired of always hearing what has happened in the past in this province. I know history is very important. It certainly is important to our schoolchildren in this province because you can learn from the past as you go into the future, but I think, and I've talked about this before in this House, we continually seem to be talking about what happened five years ago, about what happened 10 years ago, about what happened 15 years ago. I can tell you that the people of Ontario quite frankly aren't interested in that.

They want to know what the future of this province is going to be like, what the 21st century is going to hold for their children, for our pages here who have served us so well over the last six weeks in providing us with water and with various materials from our offices. Those are the people we should be concerned about. What is the 21st century going to hold for Ontario?

Yes, I will be speaking about this bill. This is a taxation bill, and I understand that according to the rules of the House, when a taxation bill is being discussed, a certain latitude is allowed in order to talk about other taxation matters, because we know they are all connected, one to another. I have it on great authority that you can do this.

Particularly when I heard the member for Niagara South talk about the goals of this government, it is interesting that the only goal he talked about was the reduction of red tape in this province. Let me say once again, as I've

said many times before in this House, we as a party support the reduction of needless red tape. I totally agree that needless red tape at whatever level, provincial, federal or local, is probably one of the causes of our goods and services, our products that are being created out there going up in price more than anything else. Anything we can do in the reduction of needless forms and needless red tape at all levels of government, I think the public in Ontario would be better served by it. Whatever we can do in that regard we should accomplish and we should all be for.

We want to make sure that the public interest in different areas of public policy is safeguarded. It's absolutely essential that we don't throw out rules and regulations that are there for the protection of the general public. I agree with him when he says it should be the goal of his government or any government to reduce needless red tape, but that's the only goal he talked about.

What he didn't talk about was the other goal that I think the people of Ontario are much more interested in, and that is the goal of good-quality, affordable, universally accessible health care. That is a matter that concerns everybody in this province because all of us within our families know of people who need health care services. Whether it's our elderly mother, whether it's young children, whether it's the handicapped or a disabled neighbour, we all know of people who require good, accessible, affordable, publicly administered health care. It's something we've always prided ourselves on in this province.

My assessment of the situation is that a great number of people in Ontario, particularly those who have had something to do with the health care system in the last little while, are seeing a deterioration in the quality of health care. We see it in the numbers of hospitals, the 35 hospitals or so that are slated to be closed in this province. We see it, as I've talked about before, in my community, where some 2,000 patients used to enjoy the benefits of community care, home care. These are mainly elderly people or people who are disabled in one way or another who need the extra two or three hours of homemaking services, of nursing care within their homes, and we see that slipping away. Two thousand people have been cut off after the province has said over and over again, "We're going to restructure the health care system." Although they never said they were going to close hospitals, they're closing hospitals, "But don't worry, home care will be there for you."

1750

To have a hospital close in your community, such as the Hotel Dieu, which has been in my community of Kingston for 153 years, providing tremendous health care to the people in the area over all those years and respected by just everyone, as was evidenced by the 66,000 names that were collected in a petition to keep the hospital open, and to see that slip away and then at the same time see the funding for 2,000 people who were enjoying the home care services, that particular aspect of health care, slipping away — those people don't believe any of what the government is trying to say, that it's a goal of this

government to improve the health care system in this province.

They also don't believe it when the government says it's their goal to provide a good educational system in Ontario, particularly when over 500 schools — and I understand that 15 or so of these schools affected by closures may be in your own riding. That's the main concern. It's not just the fact that buildings are being closed and students are being bused to other communities, to other schools at a great inconvenience; it's also the fact that once you take these schools that are quite often the heart and soul of their communities, of their neighbourhoods, away from there, the heart and soul of the communities in effect disappear. I'm not so sure whether the average person in Ontario, particularly the father or mother who has a child in a school that is slated for closure, really believes that the education system is being improved and that this government cares about the quality of the education system.

The other taxation matter I want to talk about, because I realize that this bill is about taxes, is how our tax dollars are being spent in this province. I always find it very interesting when we get the report from the Provincial Auditor of Ontario. The reason is that I think the people should understand that the Provincial Auditor is not accountable to a particular government department or a particular government minister. The Provincial Auditor is one of about five officers who is directly accountable to the Legislative Assembly of Ontario. It's not a government department. This is an independent person and a body that was created in order to be accountable to this Legislative Assembly of 130 elected people from across Ontario. That person and his department take a look at the various departments, the various ministries, from time to time and come up with recommendations. Yes, some of them are positive recommendations, but some of them are not so positive.

As was talked about in question period today, and yesterday as well, when we see \$180 million of Ontario taxpayers' money being wasted in the Ministry of Community and Social Services on contracts in which there is absolutely no appearance of accountability at all, and when an independent person like the Provincial Auditor makes that statement, then I think it is something we ought to be very concerned about, particularly from a government, and I keep going back to this, that prides itself on wanting to run things in a businesslike fashion.

I would like to know how they could possibly have the people of Ontario believe that they're running this in a businesslike fashion when there seems to be little or no accountability as to what is going on with respect to the Andersen Consulting contract. One of the very interesting things that I found in this report is that Andersen Consulting, which is doing some work for the Ministry of Community and Social Services, can just unilaterally change the rate it charges for the various people who work in the consulting firm when they're doing work for the ministry.

On page 46 of the Provincial Auditor's report it talks, for example, about the proposed rates per hour that



various people were going to be paid in the contract that was signed between the ministry and Andersen Consulting. The project director was going to be paid \$300 to \$400 per hour. You know what Andersen actually charged? It was \$575 per hour. As was pointed out here earlier today, that is completely inexcusable. That is more per hour than we pay a single individual on social assistance in this province, which is \$520, per month. That was just unilaterally changed by them because they have the right to do that in the contract.

I ask the member for Etobicoke-Humber, where is the public accountability of that? As a taxfighter, why didn't you stand up and tell your minister: "Yes, the Provincial Auditor is correct. We ought to do something about that. How could we let this kind of situation ever exist?"

We can go on to a technical systems engineer: proposed rate, \$200 to \$300 per hour; actual rate charged, \$450 per hour. Design specialist: proposed rate, \$200 to \$300 per hour; actual rate, \$335 to \$472 per hour. I could go on.

That is a waste of the taxpayers' money, taxes that are raised in a taxation bill like Bill 74, the Fuel and Gasoline Tax Amendment Act. We raise taxes in acts like the one we're discussing here today so that we can make the proper disbursements to the people of Ontario to make sure that our system in the province operates correctly. But it's not money to be wasted when you sign contracts and you say you're going to pay people \$200 to \$300 per hour, which is a mighty big amount in itself — per hour; we're not talking about per day — and then in effect end up paying them \$450 to \$472 per hour.

Let's go on and look at some other aspects in this auditor's report. It states on page 47: "We noted that Andersen Consulting charges for out-of-pocket expenses averaged approximately \$26,000 for each full-time-

equivalent position assigned to the project during the first year." That is \$26,000 in out-of-pocket expenses, on average, to each individual who worked on this project.

I say to the member for Hastings-Peterborough, a member for whom I have a lot of regard, there's something wrong with that. I know of absolutely no other job where people can ring up \$26,000 worth of out-of-pocket expenses in a year. It shouldn't happen, not when you care about the public tax dollars in this province the way you would about your own money. I think that's the ultimate test that we should put ourselves and the civil service and all those people who deal with public money to. Let's just act as if it's our own money and I'm sure a lot of these loopholes in these contracts wouldn't occur.

**Ms Frances Lankin (Beaches-Woodbine):** It is our own money.

**Mr Gerretsen:** Yes, you're right, it is our own money. Sure it's our own money. It's all taxpayers' money, correct. You're right. There's no question about that. But there seems to be a mentality around this whole area, that once the money is part of the public purse, people have a different notion as to how to expend it.

It always reminds me — many, many years ago when I was involved with the Ontario Housing Corp as its chair, it always used to bother me why plane tickets —

**The Deputy Speaker:** I think we'll hear that story a little bit later.

**Mr Gerretsen:** A little bit later on? Oh, it is almost 6 o'clock. Thank you very much for your kind attention.

**The Deputy Speaker:** It being almost 6 of the clock, this House stands adjourned until 6:30.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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of Ontario**  
Second Session, 36<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**  
Deuxième session, 36<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

# **Journal des débats (Hansard)**

**Wednesday 4 November 1998**

**Mercredi 4 novembre 1998**

**Speaker**  
Honourable Chris Stockwell

**Clerk**  
Claude L. DesRosiers



**Président**  
L'honorable Chris Stockwell

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 4 November 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 4 novembre 1998

*The House met at 1832.*

### ORDERS OF THE DAY

#### INTERCOUNTRY ADOPTION ACT, 1998

LOI DE 1998

#### SUR L'ADOPTION INTERNATIONALE

Mr Klees, on behalf of Mrs Ecker, moved second reading of Bill 72, An Act to govern intercountry adoptions and to implement the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption in order to further the best interests of children / *Projet de loi 72, Loi visant à régir les adoptions internationales et à mettre en oeuvre la Convention sur la protection des enfants et la coopération en matière d'adoption internationale afin de favoriser l'intérêt véritable des enfants.*

**Mr Frank Klees (York-Mackenzie):** I'd like to share my time with the members for Wentworth North and Lincoln.

**The Acting Speaker (Mr Gilles E. Morin):** Agreed? Agreed.

**Mr Klees:** I'm pleased to open debate on Bill 72. This legislation has two purposes: It provides a framework for safeguarding the rights and best interests of children and families involved in intercountry adoptions and it implements the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption in Ontario.

I know that all members will agree there is nothing more important to a child than a permanent loving family. For many children, that family can only be found through adoption. Increasingly in Ontario, many of these adoptions are from other countries. In 1996, Ontario had 588 intercountry adoptions, which was roughly 30% of the Canadian total for that year.

While many intercountry adoptions proceed smoothly, the process is often complex and frustrating for those involved. Experience over the years has shown that intercountry adoption presents opportunities for exploitation of both children and families. These include the kidnapping of children, illegal payments to buy children and the falsification of birth parent consents and other adoption documents.

Children adopted from other countries are often particularly vulnerable because of other challenges. Many are

under the age of five years or have had a difficult early history of institutional care. Some have been orphaned at an early age and have spent time in refugee camps or have special medical or emotional needs. Other children often experience culture shock when moving from one country to another.

All these concerns led Canada and 65 other countries in 1993 to negotiate and endorse the Hague convention on intercountry adoption. This is an international framework for co-operation between countries. It prevents underground market activity and protects children, their families and adoptive families from being exploited in the intercountry adoption process.

While Canada signed the convention in 1993, it is necessary for each province and territory to pass legislation to implement the treaty within their respective jurisdictions. To date, nine provinces and territories have either implemented the convention or plan to do so by the end of the year.

Other countries are also moving to implement the convention. Twenty-five of 66 signatory countries have completed this step and there's a growing likelihood that some of those countries could stop allowing adoptions by Ontario residents until Ontario also implements the convention.

For example, a number of Ontario families experienced delays in completing the adoption of Romanian children earlier this year when Romania changed its adoption laws. Romania will not permit any further adoptions by Ontario residents until Ontario implements the convention.

I know a number of members in the House received calls from families who were very anxious about being able to proceed with their adoption process. There were a number of families who expressed their great concern because the fact that Ontario was not party to the convention was standing in the way. We were able at that time to ensure that at least those adoptions were proceeded with. We are now addressing the underlying problem by addressing this piece of legislation.

There's a second compelling reason for this legislation. The Child and Family Services Act currently applies only to adoptions that are completed in Ontario through an Ontario court. This means that at present we do not have the authority to safeguard the rights and best interests of children and of families if the adoption is completed outside of Ontario.

There's another important factor that we've taken into account in drafting this legislation. In 1997, over 80% of the intercountry adoptions by Ontario residents involved



children from countries that have not yet implemented the convention. I'm pleased to advise members that Bill 72 addresses both of these issues. First, it would establish provincial requirements for all intercountry adoptions completed in other countries, whether those countries have implemented the convention or not. Second, it would implement the Hague convention on intercountry adoption in Ontario.

I'd like to outline a number of important advantages provided by this legislation.

The first is the protection of children. Ontario is not able to dictate or limit adoption laws in other countries, but when the safety, security and well-being of children is at stake, we can, indeed we must, establish the legal requirements that must be met at least within this province's jurisdiction.

The proposed legislation would enable Ontario to comply with the Hague convention and establish the requirements then that must be met in Ontario. For example, under the proposed requirements families seeking to adopt a child from another country would need to submit an application, prove their eligibility and suitability and obtain the approval of both countries for the proposed adoption. Under the proposed legislation, these provisions would apply to all intercountry adoptions to ensure that children, birth families and the adoptive parents are not being exploited.

Let me give an example of the kind of problem that this act will address. Currently, a number of countries will approve adoptions without ensuring that an assessment of the adoptive parents is completed in Ontario. The Child and Family Services Act does not give us the authority in Ontario to review such cases. Sometimes, however, problems come to light following the adoption. I have an example that I believe focuses on the need for the quick passage of the legislation before us today.

An Ontario couple who wished to adopt two children from Mexico was refused a letter of recommendation from the Ontario government because of a number of concerns about the suitability of the adoptive parents. For one thing, it was learned that one of the applicants had been fired from their job for mistreating children. The adoption went ahead anyway, and several years later the children were removed from that home by the local children's aid society because of abuse by the adoptive parents. Today the children are wards of the crown and are in the foster care of this government.

That's one sad example of what can happen, the implication for the children and society in general when we don't have the protections in place. Bill 72 would make it an offence for adoptive parents to complete an adoption abroad without approval of their eligibility and suitability to adopt.

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The second advantage of Bill 72 is that it would enable us to extend regulation to private intercountry adoption facilitators. Again, the current Child and Family Services Act does not provide authorization to license, monitor or regulate these individuals or organizations.

While many of these individuals and organizations are competent, we have received a number of complaints about some facilitators who do not appear to operate in an ethical manner. These complaints include unfamiliarity with the adoption laws of the child's country, failure to deliver on promised services, charging exorbitant fees and making illegal payments, and falsification of parental consents and other key documents.

In one specific incident, an Ontario adoption facilitator arranged for a couple to adopt a child from Russia. The facilitator told the couple that the child had club feet, although Russian medical reports were not provided. The couple understood that club feet could be a minor medical issue, corrected through simple surgery. In fact, the child had major medical problems and required more than 20 operations. The child will never walk again.

Fortunately, the child's adoptive parents are fully committed to him. Nonetheless, they believe that Russian medical reports may have been withheld so that the adoption would proceed. This is the kind of protection that this legislation will address, to ensure that there is full disclosure around the adoption process. These parents may never know the truth of the matter, since the facilitator left Canada with money owing to a number of prospective adoptive parents.

The adoption process is a difficult one at the best of times. It creates tremendous emotional turmoil for the adoptive parents, and I believe that we in this province owe it to prospective adoptive parents to ensure that, as they go through the process of adoption, they are protected and also that the process can be made as smooth as possible, with as little red tape as possible, so that the child as well as the adoptive parents can get on with their lives.

I'd like to give you another example of what can go wrong under the current circumstances when we don't have the appropriate legislation in place. An Ontario-based, unlicensed adoption facilitator obtained over US\$25,000 from a couple with the promise that they could adopt a baby from Croatia. Working with the RCMP and Interpol, MCSS staff determined that pregnant women from several impoverished eastern European countries were being paid to travel to Croatia to have their babies. The infants would then be adopted by childless couples in North America, at considerable profit.

Partly based on information supplied by Ontario, Croatian authorities made arrests and the adoption ring was broken up. However, some of the children were smuggled into Hungary. The Ontario adoption facilitator persuaded the prospective adoptive mother to travel to Hungary, where she cared for the baby for a number of weeks and became attached to him before he was apprehended by Hungarian child welfare authorities for return to his birth family. The facilitator could not be held accountable for involvement in this baby-selling ring. The Ontario family lost their money and the child. Other Ontario families lost large amounts of money as well.

The new Intercountry Adoption Act would require that all intercountry adoption facilitators be licensed and that they meet a number of criteria regarding their competence,

experience and training. Licensees will also be monitored by the province to ensure compliance with the legislation and regulation. Upon implementation of the legislation before us, the kind of circumstances that I described can no longer happen. It will put us in control and will ensure that there are safeguards in place, as I indicated earlier, both for the adoptive parents and the child.

The proposed legislation would provide authorization to set specific criteria requiring private adoption facilitators to be competent, experienced and knowledgeable and for their activities to be monitored on an ongoing basis. These provisions should significantly reduce the incidence of these abuses and ensure that they do not contribute to delays in the process through lack of knowledge of the adoption process or requirements of other countries.

There are additional safeguards included in Bill 72 related to services for which a fee can be charged or paid. Inter-country adoption facilitators will not be permitted to charge, nor adoption applicants to pay, for services that are not listed in the regulations under the act. At the same time, there will be no prohibition against payments within the child's country as long as such payments are legal in that jurisdiction.

Finally, this legislation will enable us to respond more quickly to evolving adoption requirements in other countries. These often change while inter-country adoption is underway, leading to delays and frustration for all concerned.

This government believes that Ontario residents who open their hearts and their homes to inter-country adoptions deserve support and encouragement. The legislation we are considering today does just that. It provides comprehensive solutions to the challenges presented by inter-country adoptions. It enshrines the principle of the child's best interests in all inter-country adoptions, whether they involve convention or non-convention countries. It would introduce a fair, consistent and standardized system for all inter-country adoptions.

By implementing the Hague convention on inter-country adoption, Ontario is removing the future possibility of Ontario residents being denied adoptions from countries that have signed the convention. The proposed act protects children and supports families involved in inter-country adoptions. It would provide a framework for safeguarding the rights of children, birth parents and adoptive parents.

Last week the Minister of Community and Social Services, Janet Ecker, introduced two new pieces of legislation: the Child and Family Services Amendment Act (Child Welfare Reform), 1998, and the Social Work and Social Service Work Act, 1998. Those acts, combined with the Inter-country Adoption Act, represent three important additions to our step-by-step approach to protecting vulnerable children and supporting the families of this province.

In the course of leading up to the introduction of this legislation, I know, as I mentioned earlier, that all members of the House have heard from people across the province. I have had a number of meetings with representatives from various agencies who have urged the government to

move forward. I believe that there is generally all-party support for the initiative that we're bringing forward to the House today. We want to express our appreciation to all members of the House who have supported the intention of the government to bring this forward, and I believe we can have quick passage of this bill.

I want to pay tribute as well to the many residents of Ontario who have taken a personal interest in this issue. I have had occasion to meet with many individuals who, in most cases through their own personal experience of going through the adoption process, have become actively involved in trying to ensure that the process will be a much easier one and a much more reliable one for others; to make it better for others than perhaps the experience they themselves have had.

#### 1850

One individual to whom I owe a great deal for bringing me a great deal of information and knowledge on this issue is Allison Pentland-Folk, who has been fighting for changes to Ontario's legislation for some five years. She and her husband have gone through the process; I believe they adopted children from Romania. I'm encouraged by her reaction to the tabling of this legislation. She recently said in an interview that she believes that the step the government is taking with regard to presenting this legislation is a very positive one, it will serve the community very well — that is, the adoption community — it will provide the kind of guidance that is necessary.

She made reference to the kinds of circumstances that can happen. She described an example of several Canadian families who were adopting last year from Sierra Leone. As you know, there was a coup there. The children who were involved in that process were not officially adopted, so the parents couldn't bring those children home. The province didn't know under those circumstances, because we didn't have a framework, what to do. It's those kinds of circumstances that this legislation will clarify. We will avoid the kind of frustration that many parents have experienced over the last number of years.

I'd like to take this opportunity to address the issue of adoption. I do not believe that enough is being done in this province to make the option of adoption available or to raise the issue of adoption as an option for young women who find themselves pregnant and would prefer to find homes for those children. Adoption is an option that I believe young women in this province would perhaps choose. I think we as a province have a responsibility to ensure that our young people are fully aware of the advantages of adoption, are fully aware of what they need to do and where they can go in this province to seek out counselling with regard to the adoption option.

I appreciate having had an opportunity to speak to this issue, and I look forward to hearing from my colleagues as they address this issue as well.

**Mr Toni Skarica (Wentworth North):** I as well have the privilege of speaking to this legislation. I'd like to start with a quote from the Minister of Community and Social Services. It's from a press release. Often when you see this type of quote it's rhetoric, but in this case I know for



sure that the minister, through her actions with me personally, which I'll allude to in a minute, means this. Words, in politics especially, are cheap, but actions are quite different. Through her actions, Minister Ecker has proved to me, and I hope to prove to the members of the Legislature and the public at large, that she really means what she says in this instance. She was quoted in the press release as saying:

"With this legislation we would be able to make sure that the best interests of the child are our first priority during adoptions. The Intercountry Adoption Act is part of the government's step-by-step approach to protect children from harm and to support families."

I had a personal instance where a constituent in my area had adopted a number of Romanian children. When they were over here, after a period of time they discovered through a facilitator from Romania that there was another child, a brother, in another orphanage whom somehow no one seemed to know anything about. They were assured that this was a bona fide brother and a sibling of the children they had adopted. This caused them great concern and they wanted to complete the family and adopt this boy as well, but they found, as they proceeded, that they were met with one roadblock after another. Some came from Romania and some came from the internal bureaucracy.

When the parents would run into what they saw to be an impassable roadblock, they would approach me and indicate that they felt this could not happen. I would approach the minister and indicate to her the development, and she immediately on each and every occasion — and this must have happened perhaps a dozen times in the last year. Again, some of the problems were with the bureaucracy in Romania and some were here, but each time she intervened and made sure that the roadblock the parents were facing was removed. They have now all been removed and just today, shortly before I stood up to speak, I spoke with the father. He is immensely pleased with the fact that he's going to Romania in early December, next month, to adopt the remaining member of their family and is very grateful to the minister for her actions and indicated to me that he felt that without her interest this would not have happened.

The minister, through her actions, has shown that she means exactly what she says when she says that the interests of the child are paramount and that the interest of both herself and the government is to protect children and families as far as can possibly be done.

I would like to talk about some of the background to this act. If I could refer to some statistics, in 1996 Citizenship and Immigration Canada indicated that there were about 588 international adoptions involving Ontario residents. That was about 30% of the Canadian total. The Hague convention, which has been referred to by my friend from York, indicates that a co-operative framework was developed and finalized on May 20, 1993. Here we are almost in 1999 and no legislative action has been taken. It's clear that it's long past due that the government of the day acts. Again, I'm appreciative to Minister Ecker

for her actions in this regard and for bringing this legislation into reality.

The Hague convention establishes a co-operative framework between countries of origin of children available for adoption and the receiving countries of those children in order to protect children, birth and adoptive parents from abuse and exploitation. For example, a black market has developed in many countries with reference to adoption and to the selling of children in a slavery market.

As of August 1998, 25 countries have implemented the convention, including Canada. Seven provinces in Canada have implemented the convention that we're joining and I believe we're now the ninth province to have done so.

The Child and Family Services Act currently recognizes that adoptions completed according to the laws of another jurisdiction have the same effect in Ontario as an adoption completed here. However, the act does not currently give the ministry the authority to license or regulate adoption services provided in connection with an adoption completed in another jurisdiction. Ontario therefore is unable to implement a number of provisions of the Hague convention on intercountry adoption.

As Minister Ecker alluded to in her press release, the Hague convention, while it's important and outlines a number of important rules with reference to and provides a framework for intercountry adoption of children, does not apply in most intercountry adoptions currently taking place in Ontario. About 80% of intercountry adoptions by Ontario residents currently involve countries which have not implemented the convention. The government therefore wants to establish safeguards that ensure the best interests of all children, regardless of whether the countries involved are signatories to the Hague convention or not.

The bill is going to accomplish the objective of providing a better framework for adoptions by doing a number of things. It's going to establish provincial requirements for all intercountry adoptions completed in other countries, regardless again, as I've indicated, of whether they have implemented the Hague convention on intercountry adoption or not. Also, it implements the Hague convention on intercountry adoption in this province.

#### 1900

My friend and colleague from York-Mackenzie indicated that there were a number of problems worldwide with reference to adoptions and he referred to a couple of examples, and I have a couple as well that I would like to refer to. These examples illustrate and underline the need for this type of legislation and the fact that it's long overdue.

The first example I'd like to refer to is an Ontario example of a couple working to try to adopt two siblings from Russia. An Ontario-based adoption facilitator with no background in child development or social work was retained by the couple. They arranged for the couple to adopt two siblings from Russia. Due to the limitations of the current Ontario law, the ministry was not involved in approving the match and had no knowledge of the children proposed for adoption.

It was reported that the facilitator told the family the children had been institutionalized for only a short time and were well adjusted. In fact, these children came from abusive backgrounds and were quite disturbed. The adoptions broke down within a year and the children became crown wards. The new legislation would help to alleviate this type of situation by ensuring that facilitators are licensed and qualified to provide services and advice.

Another example I'd like to refer to involved an Ontario individual with no knowledge of adoption, child development or social work. This person set up an agency specializing in adoptions from China. The individual made claims about connections in China and made claims about his abilities to obtain younger and healthier children faster than other facilitators. These claims had no basis in fact. Several dozen Ontario families paid the facilitator to help them to adopt children from China. The facilitator has since disappeared along with the funds that were provided to him. The families had to switch to other facilitators and had to start the process all over again. The new Inter-country Adoption Act would require that all persons facilitating intercountry adoptions be licensed and monitored.

I'd just like to give an outline of the act and refer to some of the provisions in the overall skeleton framework of the act itself.

The act, as has been previously mentioned by myself and my colleague from York-Mackenzie, will implement the Hague convention, which was agreed to by a number of countries in 1993. The sections will indicate that the Hague convention will have the force of law in this province. The provisions that implement the convention will also address a number of other matters and will include the notification of other countries and the Ontario public of the implementation of the convention in Ontario; the date upon which the convention becomes law in Ontario; the application of the laws of Ontario and the convention; and the designation of the central authority for Ontario.

This will mean that families who are trying to adopt will have an easier time doing so from countries such as Romania and others internationally.

The act goes on that before leaving Ontario for the purpose of an intercountry adoption or finalizing an intercountry adoption, a person must make an application, obtain an adoption home study assessing their eligibility and suitability to adopt, and obtain approval based on the home study report. This is obviously designed to reassure the country where the child is based that it is going to a good home in Ontario and that, once the child is adopted, it will be in a safe and comforting atmosphere.

With reference to the approval of the proposed adoption, when requested by the child's country of origin the proposed adoption will be reviewed by the ministry and approved with conditions or refused. There's an appeal procedure provided by the act and it indicates that the applicant has a right to appeal a decision regarding the proposed adoption to the Child and Family Services Review Board. There are provisions in the act then to make sure that the child is going to a safe, comforting

home. As well, it has safeguard provisions. In case an individual here feels they're aggrieved, they can appeal to get the approval they're seeking.

The act will also confer authority to share relevant information concerning an application, a home study or a proposed adoption with reference to a number of matters. They include the authorities responsible for adoption matters, child welfare, justice and law enforcement, and the child's country of origin. The information that will be shared will be information available to the government of Canada and its agencies and contained there, information available to and contained in the governments of other Canadian provinces and by persons prescribed in the regulations of the act.

The act also outlines a procedure for licensing and hearings. This section would establish that no person, except the director or a licensee, can facilitate an intercountry adoption and would set out the licensing process and requirements. This obviously then would seriously hamper scam artists who would seek to profit by being involved in outright fraud, such as the examples I alluded to earlier where money was taken from families by facilitators who were unlicensed and really had no expertise and then would disappear afterwards. That's out-and-out fraud. It also goes further to provide an outline of the type of application process or requirement that a facilitator would have to go through so that the public could be assured that a facilitator has the expertise and also the credibility and is an honest person who will do what he says.

The provisions for licensing and hearings would address the application process, the requirements for a facilitator, the procedure for issuing and renewing a licence, the grounds for refusing or revoking a licence and suspension of a licence. There's also an appeal process involved in case somebody has a licence that's refused or revoked.

There are a number of offences that are outlined in the act. Certain activities are punishable by fine and/or incarceration. They include the giving or receiving of payments or rewards in connection with an intercountry adoption or proposed intercountry adoption. Another activity which is punishable on conviction by fine or incarceration would be to leave the country for the purposes of pursuing or finalizing an intercountry adoption without an application, a home study or approval of the person's eligibility and suitability to adopt. Providing false information on an application for a licence or a report would attract a fine and probably an incarceration in many instances. There are a number of other offences outlined as well.

The act has some general provisions involving the freedom of information and provides for regulations to come into force and to be approved by cabinet.

In conclusion, this act provides safeguards for both the child in another country that is proposed to be adopted and also potential families that wish to adopt overseas. It provides them with safeguards and procedures that they can go to if they wish to adopt children.



As I indicated from my own personal experience, there was no regulatory framework. The family I dealt with was just beside themselves with frustration at times. If it hadn't been for the diligence and the caring of the minister, they're convinced that they would never have been able to adopt the boy they found out was a member of their family in Romania. As I indicated, that boy is coming over here in December. The family is very appreciative of the minister for her caring, for her very vigilant actions when being informed there was a problem. This act will ensure that there is a regulatory procedure that will assist future families who find themselves in similar difficulties.

In conclusion, I am proud to speak on behalf of this legislation. I just wish to underline again the appreciation that my constituents wish to forward to the members of the House and to the minister in particular for her actions and for her caring in bringing a member of their family over to Canada and enriching the quality of both that boy's life and the family's life.

1910

**Mr Frank Sheehan (Lincoln):** My first contact with the problem of intercountry adoptions occurred when a friend of mine named Bill Smiley gave me a call and outlined the problem his daughter was experiencing. She had adopted a child from Romania in 1994 and it was such a successful arrangement that they put out for another adoption, at which point in time the bureaucratic process came full front and centre. Ontario's failure to adopt the Hague convention brought the whole adoption process to a screaming halt.

I'd like to talk for a few minutes about my friend Bill Smiley, who had a lifetime of experience with the family and children's services. Bill was a lifelong resident of St Catharines. He was born in the old town of Port Dalhousie. He went to the local schools and graduated from St Catharines Collegiate Institute and Vocational School.

He trained as a chartered accountant under the old style, no college degrees; he just went right from high school into the apprenticeship program with the old firm of Pollock, Little and Co. After he had completed his studies, he learned the bureaucratic side of the tax process by working for Revenue Canada. It took us a while to overcome that but we forgave him for that. He formed a partnership with a high school friend, Ron Scott, and that evolved into a partnership which ultimately was called Smiley, Scott and Ralph, which went through successive mergers through Touche Ross and KPMG.

He was a lifelong member of Henley Aquatic and Rowing and a great supporter of that organization. He was a member of St John's Anglican Church in Port Dalhousie and also a member of the Anglican Diocese of Niagara's finance committee for over 24 years.

As I said earlier, he served on the family and children's services for over 28 years and served many terms as president with considerable distinction. He was a long-time member of the St Catharines Old Boys' Hockey League, and a pretty good curler, if I recall. In fact, he was an all-round good athlete.

He retired at age 65, about eight years ago, after a bout with cancer. Just to demonstrate his indomitable spirit, after he got through with all the treatment, he took up downhill skiing and tennis, and Angus Verge, his long-time friend, said he was pretty good at it.

He was known as an independent thinker. He stuck to his principles, and notwithstanding that, he was still able to make the compromises that were necessary to make life in St Catharines a little easier.

I've known Bill and Ron Scott for over 35 years. In fact, they were my father's accountants for most of his life. There's a rather funny story about my father, who was a big, gruff old Irishman. He needed some advice and Smiley was away on a holiday. He called and they said, "Perhaps Mr Scott can help you," and he said: "Oh, I don't think so. I don't think he'd be able to handle this." My father was a small businessman and very few things would be that damned hard to handle.

Bill died two weeks ago, very tragically. He was doing his own work around the house, fell off a ladder while he was cleaning a trough, landed on the patio, and after about two days they thought it was time to let him go. He is survived by his wife of 48 years, Hazel, three children and four grandchildren, two of whom are adopted.

I have to congratulate Minister Ecker for what she has done because, like the member for Wentworth North, Minister Ecker was the facilitator in Smiley's daughter's second adoption. She helped smooth out the road and make the thing work. It took a lot of time, a lot of effort, and I think the biggest thing the minister has done is to bring forward this bill.

The bill does an excellent job in setting out the problem and describing in detail how this thing is going to work out. The member from York did an outstanding job, I thought, on detailing it, as did Mr Skarica. But some points that were missed were that it had to be consistent and fair and standardize the procedures. It describes what was meant by "suitability and eligibility to adopt" and who would determine it. MCSS has developed guidelines for the assessment of the adoption applicants pursuing private and domestic adoptions. They assess the overall readiness and the ability of parents to adopt a child. Home study assists in making the adoption placement that is in the best interests of the child.

I've raised seven children, and assessing the skills and the abilities and the acceptance level, whether or not to accept the child, is important. These guidelines are based on many years of experience in the adoption process. Some of the criteria that are fundamental, I guess, include a criminal check, medical reports and health information on each applicant, the spousal relationship, if there is one, motivation for adoption and preparation for adoption parenting, acceptance of the biological and genetic history of the child, an individual's and/or couple's strengths and weaknesses.

Social workers prepare the home study report to make these recommendations regarding eligibility and suitability. If the minister refuses to approve the eligibility and suitability of the adoption or adoption match proposed

by another country, the ministry has provisions for adapting to that. If implemented, the Intercountry Adoption Act will introduce common sets of adoption requirements and systems regulating and monitoring the delivery of the intercountry adoption services.

Intercountry adoptions that are already in progress will not be affected by this when the bill comes into effect. Intercountry adoptions which would not have to comply with the new act are applications to adopt that have been made to the child's country of origin, the Ministry of Community and Social Services and the National Adoption Desk. The child is then placed with the adoptive parents when the consents and approvals necessary for the adoption have been given.

Will the implementation of the Intercountry Adoption Act result in delays? We don't think so, because we've anticipated the implementation of the convention and it should reduce the number of days that people have to wait.

Will the legislation affect the operation of intercountry adoption facilitators? Yes, I guess it will because currently they're not regulated. Under this legislation the facilitator will require a licence to provide those intercountry adoption services which will be outlined in the regulations. These include taking the adoption application, assisting with the approval of a proposed adoption match and assisting with the process of arranging the child's entry into Canada. We're not proposing licensing requirements for persons or organizations providing services not directly related to adoption.

I have to congratulate the members of the opposition because they have readily accepted the necessity for and the merits of this bill. I think that's an important thing. I heartily support this bill and I recommend it for your consideration.

**The Acting Speaker:** Questions or comments?

**Mr John Gerretsen (Kingston and The Islands):**

This is a good day for the province of Ontario, for those parents and those men and women who are interested in adopting a child, particularly from a foreign country.

I must admit, though, that I'm a little bit disturbed by the fact that no credit has been given to the member for Lawrence, who this year first introduced a private bill back in May to try to get the province to accept the Hague convention, and then went further, on October 1, with a private member's bill requesting the same thing.

I know that sometimes it's difficult to give other members credit in this House for actually coming up with an idea, but I think it was his persistence and perseverance that caused the minister to change her mind and now bring forward exactly what he has been talking about for the last eight or nine months. Indeed, there may have been others in the House as well. I believe in giving credit where credit is due, and certainly the member for Lawrence deserves an awful lot of credit for bringing this to the attention of the House and bringing the matter to debate in the House, during both the public and private members' sessions that we've had on this.

I think the member ought to be given an awful lot of credit for in effect changing the mind of the Minister of

Community and Social Services on this matter, because when he spoke about it last October 1 it was indicated that although the government accepted it in principle, they were not prepared to move ahead with it since it would only affect something like 20% of the intercountry adoptions. I'm glad the government has changed its mind on that, so it can make the lives of so many other Ontarians happier by their ability to adopt from across the world.

1920

**Mr Bud Wildman (Algoma):** I listened to the members of the Conservative Party in their presentations and I want to say that, frankly, I don't think this is the time for claiming credit around the House. All members of the House, I hope, certainly members of all three parties, are in support of this legislation. That's because all of us recognize that this is a growing trend, that there can be serious difficulties involved in intercountry adoptions, that there needs to be regulation, that regulation can in fact help people. As long as there are adequate resources provided to the ministry to implement the regulations once the legislation is in place, there should not be increased bureaucracy but rather it should protect the children and the prospective adoptive families.

I think the reason most members of the House will support this legislation is because it is not a partisan issue. This is a matter that responds to a perceived and important need of a certain segment of the population. It makes it possible for children who might not otherwise have had the opportunity to grow up in a loving family relationship, an opportunity that many of their other friends and relatives in their own countries probably will envy a great deal. The reason we all support it is, I hope, because all of us care about the children, want to protect them and care about the families who want to adopt them.

**Mr Ed Doyle (Wentworth East):** I'd like to congratulate all those who have participated in the debate so far tonight. We've heard examples from some of these members who have spoken tonight about some of the problems that have arisen as a result of the lack of proper regulation or licensing or whatever. Adoptions of any kind, of course, should always be a happy occasion. They should be happy not only for the children but also for the adoptive parents. As Mr Wildman has said, it should be a matter of happiness, for love and family.

I can't help but say that this piece of legislation is long overdue. I'm very proud to be a part of this House tonight, where we can help some children in the world, and indeed help those who will adopt them and welcome them.

**Mr James J. Bradley (St Catharines):** One of the things I've noticed about the change in rules is that it doesn't even allow enough time for the government members to say everything they'd like to, because if they had the time, they would have been offering their congratulations to the members of the Liberal caucus, specifically the member for Lawrence, Joe Cordiano, who on two occasions has placed legislation before this House and had it debated just a short time ago, prompting the minister to take the action that she has.



I know the only reason they didn't want to share with the New Democrats who played a role in it and the Liberals who played a role in it was that there wasn't enough time. I've come to that conclusion. I know they're big enough on the other side of the House to extend to the opposition parties the courtesy of recognizing that they were the ones who prompted the government at long last to take this action, so I will plead again to have the amount of time extended so they can continue to do so. We have now a consensus that has developed. Occasionally we see this in the House, where representatives of the three parties see a problem that exists and try to each in their own way work towards the resolution of the problems that confront us in that field, and this has been one of those cases.

I noted as well that they didn't have time — I thought the member for York-Mackenzie would mention the Hotel Dieu Hospital in St Catharines and the need to keep the Hotel Dieu Hospital open, because we have three representatives who were on the steps of the Hotel Dieu Hospital in St Catharines pleading for it to stay open. I know the member for York-Mackenzie would want to join us in that particular effort, now that the Premier has admitted that he doesn't intend to keep his promise not to close hospitals in the province.

**The Acting Speaker:** Member for York-Mackenzie, you have two minutes.

**Mr Klees:** I know even with a piece of legislation like this the Liberals simply cannot help themselves from making this into a partisan discussion. We recognize full well that the member for Lawrence brought forward the private member's bill. Unfortunately, his bill only encompassed fewer than 20% of intercountry adoptions, because it only covered the Hague convention. We voted in favour of that in principle, but I wish that this evening members opposite in the Liberal Party could have withheld for once their political bent and come together on a non-partisan basis to celebrate this legislation.

What I will do, however, is give a great deal of credit to the member for Algoma, who as a member of the Legislature advocated for precisely this kind of legislation that was all-encompassing. I didn't hear him stand up and call for accolades this evening, because I believe he knows that he did in his place as a member of the Legislature what needed to be done to forward this very important piece of legislation.

I say to the people of this province, we are here today to pass a piece of legislation that is truly in the best interests of children and families in the province of Ontario. For once we will come together and do the right thing, and we will accept that members of the Liberal Party simply cannot resist making even the purest piece of legislation into a political bandwagon. It's unfortunate.

**The Acting Speaker:** Further debate?

**Mr Joseph Cordiano (Lawrence):** I'm very happy to speak on this issue, a very important piece of legislation that is before us that, yes, I have advocated for. I'm glad to have this opportunity, because I want to talk about some of the things that members have been alluding to with

respect to this legislation going further than the Hague convention. In fact, let me start by congratulating all members of the House, because this is one of those times when all of us can take some pride in the fact that we've all worked together on it. I want to congratulate the minister — yes, I'll do that, on one of the rare occasions that is possible — to say that she has brought forward a piece of legislation that we can all support. I want to also thank and congratulate the member for Algoma for his part, and all members for participating in the drafting of this legislation.

Do you know what I want to say? I know the members opposite will say this is partisan, but it's not. There are some very critical factors that led to this legislation being written the way it was. I also want to point out that the minister, notwithstanding that this legislation has come forward at this time, which I fully support, has also not fully stated what I think are the facts in this case, and the members opposite haven't done so. This legislation, or in fact the legislation that I proposed, the stand-alone legislation, could have been passed some many months ago when I first introduced this. This should have been done a lot sooner than that.

#### 1930

I want to talk about the Hague convention. The Hague convention, as everyone has pointed out, is in the interests of protecting children. It attempts to implement provisions of the United Nations Convention on the Rights of the Child. Sixty-six states have participated in the drafting of this convention and to date over 33 countries have signed it and 25 have ratified it, and the numbers keep growing as we speak.

I also want to inform members that Canada signed the convention back in 1994 and ratified it in 1996. By the way, six provinces and one territory have passed the implementing legislation for the Hague convention on intercountry adoption. It remained for Ontario to do so. Being the largest, most populous province in the country, we should have shown leadership on this because it affected many adoptions.

What I have a problem with and what I kept telling the minister was that you waited too long to implement the Hague convention. It was non-contentious. The minister kept dragging her feet. So what we have before us today, and I want to get to this, is something that I think is certainly worthy of support but does not change the fact that the Hague convention could have been ratified and adopted by this House some time ago, so that those families that were caught in the web of bureaucratic tape would not have had to go through the ordeals they've gone through. I want to talk about those families in just a moment, later on in my remarks.

The minister liked to point out that there were two reasons she was not able to move more quickly on this when I first introduced private member's legislation.

The first was that she had concerns about my legislation being stand-alone legislation. She said she could not ratify this because it was stand-alone legislation and that what was required, at a minimum, were some other

reforms to the Child and Family Services Act. Therefore the stand-alone legislation could not be brought into the House and passed.

What do we have today? We have what amounts to stand-alone legislation, the very thing that the minister, back in the spring of this year, said she could not bring into this House by way of my private member's bill. It didn't matter whether the minister herself said, "I am going to introduce this bill in my name," because at the time she said: "If legally we can have a stand-alone piece of legislation, I don't care if it's a government bill or a Liberal bill or an NDP bill. If we can do it with all-party agreement, I'm fully prepared to recommend that to the House."

The minister had that opportunity back in the spring and failed to exercise it. Again I say to you that her first argument, her first line of reasoning why she could not bring in that piece of legislation, was that it was stand-alone and that a whole bunch of changes had to be made to the Child and Family Services Act. I say to you again that what we have before us today is a stand-alone piece of legislation without any requirement to make changes to the Child and Family Services Act. That argument is null and void.

The other argument that the minister used for delaying and for waiting this long to bring in legislation was that her legislation would go further than the Hague. I applaud the efforts to include licensing in our province, as is required in the legislation, but this piece of legislation that the minister has introduced does not go beyond the Hague; in fact, it uses the Hague convention standards. All of the standards that are in the minister's legislation that we are discussing today are contained in the Hague convention. That's where the minister has gotten the format or the framework for her legislation. It's all the same. It doesn't achieve a higher standard. It doesn't go beyond the Hague. It simply uses the Hague convention for this legislation.

I know members want to listen to this, those who have debated our party and myself personally for being too partisan. There are some good reasons why we would want to suggest to the members that there was a delay. That's the only quibble we have with what the minister has done: She could have done this before.

At the end of the day, the Hague convention requires that certain standards are met for the protection of the children. But the fallacy with this is that the legislation we are presenting today will not extend to the countries of adoption. The members opposite of the governing party have suggested that the Hague convention only covered 20% of all adoptions. I must remind them that Ontario has no jurisdiction in those other countries. We can't enforce our legislation on any of those agents acting in those foreign countries on behalf of families wishing to adopt. Yes, they will work through facilitators here in Ontario, but in the country of adoption those agents are free to act according to the laws and dictates of those countries. They will not have to comply with Ontario law.

Therefore this is why I suggested to the minister that it was important to have the Hague convention ratified,

because Ontario needed to lead, along with the other countries that have ratified the Hague convention. We need to get a greater consensus internationally. It's not good enough to simply say we in Ontario are going to require licensing, we're going to deal with all these corrupt practices, because most of those practices took place in the countries where the adoptions were taking place, not here in Ontario. There are a few cases of that, but by and large the problems will continue in those countries where the adoptions are taking place. We have no jurisdiction there. The principle of territorial sovereignty does not allow Ontario to go back to those countries and enforce our rules, our laws. At the end of the day, there is value in having licensing requirements here in Ontario. Some of the other provisions of the legislation which, I repeat, are contained in the Hague convention were contained in the private member's legislation that I introduced.

When I talked to the minister about this it was back in March. I remember my colleague Mr Duncan, the member for Windsor-Walkerville, and I had a press conference. There were a number of families that had approached us and I want to talk about some of those families, in particular the Evangelista family in my own riding who were facing a great deal of difficulty in their efforts to adopt their child from Romania.

This is again a story that is bittersweet. In the end, they were able to bring their daughter here from Romania, but not without a lot of pain and suffering, and not without a year's delay. It took a year away from this family. There is something to be said about that. When all is said and done, there is something that this family had to sacrifice — that precious year, that precious time that they lost with their child — which I don't think was necessary. I think the minister's delay resulted in the loss of that time for the Evangelistas as well as many other families who were looking to adopt. It was really a bureaucratic nightmare that these families faced.

#### 1940

The member for Windsor-Walkerville and I held that press conference on behalf of these families. The government was pressed into action because of the assistance of the federal government and the Honourable Herb Gray, who intervened and got a memorandum of understanding signed between Canada and Romania. That is because we as a province did not ratify the Hague convention. Romania said, "We won't deal with you because you have not ratified this convention." That's plain and simple. It took that kind of initiative, it took the intervention, to cut through the bureaucratic red tape.

Otherwise, the Evangelistas would not have had the opportunity — and I remind members that this was an adoption where they had seen their daughter previous to that. They had made the selection, and there was a bonding that took place. I think we should put ourselves in the shoes of those parents. They had made that bond with that child. This was their child. It was their child who was being prevented from coming home. I can't imagine what that might feel like, having to be separated from your own children. That's the way these people felt about that



adopted child, a child they had gone to see, a child they thought they had adopted.

It was virtually a nightmare story, because they also faced additional costs. They were taken for a ride. It wasn't a pleasant thing they went through. There were problems over in Romania. There were additional dollars requested of this family.

The Hague convention would apply to all of those countries. The same standards would apply to those countries, and those countries that have not signed on with the Hague convention will still have those difficulties. Whether we in Ontario have this legislation in place will make not one bit of difference over there in those countries where the adoptions take place, not unless we get involved, along with the federal government, and I know they have, and other countries. This is why it was important to ratify the Hague convention a year ago.

Again, I applaud the government for bringing this forward, but don't think for a moment that having gone this much further is going to rectify the problems in those countries where the adoptions take place. It won't wipe the slate clean and it won't make everything go smoothly in the future. I think there will continue to be some problems. Yes, we can alleviate the problems that exist here in Ontario, and hopefully, as more countries sign the Hague convention, you will see an international commitment to the protection of children, because that's what this is all about.

Again, the other family involved was the Lecours family of Windsor. They went through exactly the same thing. I can remember how overwrought they were, both families, and how emotional this experience was for them. I want to re-emphasize for members of the House that this was an ordeal that these people went through; it was very painful for them. I want to say here in this House that the time they have lost is time they cannot regain. Those are very valuable years with children. For the life of me, at the time I couldn't understand why the minister would want to delay the introduction of what was virtually a non-contentious issue, a non-contentious piece of legislation.

At the end of the day, yes, I will say the government has done a good thing, as it ought to have done, and the members of this House have supported that. I think that is as it should be. But let's keep in mind that there was a price that some people had to pay in order for this to take place. Let's keep in mind that the delays caused a great many problems for those families. There was an emotional price they paid. They were separated from a member of their own family, and at the end of the day that's very important for members to appreciate.

I think sometimes in this House we forget that what we do has an impact on people's real lives or that the things we fail to do have an impact on real people and real lives. That's what this legislation is about. So when we stand here today and approve this legislation, you will remember those families. We should all remember those families.

We should all remember that there are many hundreds of thousands of people who wish to adopt. I'm hopeful that many of these people will now feel able to come forward,

confident in moving ahead with these adoptions which benefit all of us. They enrich our lives, they enrich the life of the province, and I think it does wonderful things for those families and those children.

I would like to say thank you very much to all the members who participated. I felt a real connection to this on a personal level and I think everyone here ought to be applauded and commended.

**Mr Gerretsen:** I would just like to reiterate one comment that the member for Lawrence made, and that is that the mere fact that we adopt this particular law does not necessarily give Ontario couples the protection they're looking for if they're adopting in those countries where the Hague convention does not operate. This will really only work with respect to those countries that also have adopted the Hague convention.

I thought it would be interesting to look at the Hague convention and see what it actually says in a number of pertinent sections as to what should be done both in the originating country and in the adopting country and what couples can anticipate when they want to go through an adoption procedure with respect to foreigners.

I know, both from within my own family and from having been involved in my legal practice in years gone by with some adoptions, the tremendous, rewarding experience it can be for anyone who is involved in the adoption process, particularly for those parents who, for one reason or another, have not been able to conceive their own child. This quite often gives them the thrill of a lifetime, adopting a child who becomes an integral part of their lives. They're obviously doing themselves a big service in the sense that it gives fulfilment to their life, but they're also bestowing a tremendous benefit on the child who is being adopted, quite often a child, whether from in-country or out-of-country, who does not live in the kind of conditions that all children should be living in.

I took a look at the Hague convention and it is interesting. It was adopted in 1993, and as my colleague from Lawrence has already indicated, some 33 countries currently have adopted the Hague convention. Here in Canada, as he has also stated, it's necessary for the provinces to adopt it as well because adoption comes within the provincial jurisdiction. It's interesting that only six other provinces have so far adopted it. I certainly hope the other provinces will quickly come into line as well.

The first interesting section that I found was article 4 of the Hague convention. There are about 48 articles, but I think the ones we're interested in, or the ones that couples who are interested in adopting may be interested in, start with article 4.

Section 5 of the bill states:

"(1) No person who is...resident in Ontario shall leave Ontario for the purpose of an intercountry adoption... without first,

"(a) making an application to a licensee,

"(b) obtaining an adoption home study to assess the person's eligibility and suitability to adopt..., and

"(c) obtaining the director's approval on the basis of the adoption home study."

1950

I think what's interesting about that is that, under the new rules and regulations as set out in the proposed act, a person cannot even adopt a child from a jurisdiction that is not a member of the Hague convention without being approved by way of a home study locally here in Canada first. What that really means is that at the same time that somebody starts the process in the foreign country of looking for a child they may wish to adopt, it's also extremely necessary that the home study takes place in Ontario, right here and now, as well.

I think that's a good thing. It gives protection to those youngsters coming into Ontario from foreign countries whom those foreign countries may not be all that interested in for a variety of reasons, maybe because of economic circumstances. Their attention may not be focused on whether the child will really benefit from coming to Ontario. This gives us some level of comfort as a society that a person cannot even adopt a child from a foreign country, whether it's got the Hague convention or not, without having a home study done. I think that's the kind of protection we would want for all of those children who reside in Ontario. It talks about licensing and who will be the director, which obviously will be an official within the Ministry of Community and Social Services.

The next section that is interesting is what happens in the country where the child comes from. Article 4 of the Hague convention deals with that particular matter. It states:

"4. An adoption within the scope of the convention shall take place only if the competent authorities of the state of origin" — in other words, in the state where the child is located —

"(a) have established that the child is adoptable;

"(b) have determined, after possibilities for placement of the child within the state of origin have been given due consideration, that an intercountry adoption is in the child's best interests."

It places an emphasis on the foreign jurisdiction, to make sure that it's in the child's best interests that the child leave that jurisdiction because its best interests cannot be fulfilled within that country.

"(c) have ensured that

"(1) the persons...whose consent is necessary for adoption" — which I suppose in most cases would be the natural parents of the child — "have been counselled as may be necessary and duly informed of the effects of their consent...of the relationship between the child and his or her family of origin."

In any adoption situation, whether it's an in-province adoption or a foreign adoption, it is extremely important, I believe, that the consent of the natural parents of the child be obtained. This article in the Hague convention places an emphasis on the state of origin to make sure that that happens.

"(2) such persons...have given their consent freely...evidenced in writing."

It isn't just a situation where somebody says years later, "Yes, consent was given," when in actual fact there

may be a dispute if they have merely given oral consent. What's intended here is notice in writing. Yes, it's in a foreign language perhaps, but at least there's some evidence later on that the parents really and truly meant to give up the child for adoption.

"(3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn."

I think that's important. We obviously would never want to get involved in a situation where children are being bought and sold for pecuniary consideration. This part of the Hague convention clearly deals with that. There's no compensation involved.

Next it goes on to state:

"(4) the consent of the mother, where required, has been given only after the birth of the child."

I think that is very important too. I know that years ago what happened sometimes was the consent was given before the child was born and this raised all sorts of problems afterwards, where the mother of the child, once the child was born, had a change of heart. This clearly states that in accordance with the Hague convention, the consent of the mother is obtained after the child is born. That's a necessity under the Hague convention.

Next it goes on to say:

"(d) have ensured, having regard to the age and degree of maturity of the child, that

"(1) he or she has been counselled" — obviously this will only happen with older children, children who know what's going on, rather than with babies, and I suppose most of the foreign adoptions that take place are babies, although not all of them — "and duly informed of the effects of adoption and of his or her consent to the adoption..."

"(2) consideration has been given to the child's wishes and opinions," particularly when the child is older. It's extremely important that the child, once that child has reached the age of knowledge and wisdom, consents to the adoption. I suppose it's conceivable to have a situation where the adopting parents really want to adopt a child and the natural parents are ready to place the child up for adoption but there's a possibility the child himself or herself doesn't want to be adopted. If the child is of the age of consent, the consent of the child has to be obtained as well, and "such consent has not been induced by payment or compensation of any kind."

The Hague convention is quite explicit. It sets all the safeguards in place, as much as is possible by way of legislation, that a child and the parents of that child who are ready to give that child up for adoption aren't induced by untoward actions. That has to take place within the state where the child is located.

Article 16 of the convention is also very interesting. It states that:

"1. If the central authority of the state of origin is satisfied that the child is adoptable, it shall:

"(a) prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child."



I suppose that is more and more required nowadays. We all hear of situations where children who have been adopted want to know many years later what their origins were, whether there were any specific illnesses in their families or any hereditary medical problems etc. So I think article 16 is important, that as much information be given of the child to the adopting parents as may be possible to obtain. The article makes it quite clear that that's a necessity.

It also says:

"(b) give due consideration" — the report from the state where the child was born — "to the child's upbringing and to his or her ethnic, religious and cultural background;

"(c) ensure that consents have been obtained; and

"(d) determine, on the basis in particular of the reports relating to the child and prospective adoptive parents, whether the envisaged placement is in the best interests of the child."

That's certainly an area that all the principles in our family law are centred around, particularly dealing with juveniles and children, that what is in the best interests of the child is the paramount consideration. It wasn't always that way. In years gone by what was in the best interests of the child was not the paramount consideration in many aspects of family law. We have adopted this in Ontario in a number of different pieces of legislation, and it's very encouraging to see that this is in the Hague convention as well.

2000

Those are the main articles that I wanted to bring to the attention of the House. I share the concerns of the member for Lawrence that I don't think we want to give adopting parents in Ontario who are thinking of adopting a foreign child any false sense of security that this piece of legislation can rule all adoptions as far as where the child is from. Yes, we can set a framework in place whereby home studies are done here, whereby parents are adjudicated upon with respect to their suitability for adoption etc, but we cannot give any assurances of what kind of studies or what kind of work is being done in foreign jurisdictions that do not abide by the Hague convention.

I certainly agree with the member for Lawrence that it is high time we did this, because we certainly hear more and more about intercountry adoptions. You may be interested to know — I obtained this information from the individuals at the ministry who gave us a briefing today — that in 1996 in Ontario 588 intercountry adoptions took place, as far as the ministry knows. There may be others. What the legislation will do is presumably ensure that everyone who gets involved in an intercountry adoption will now have to be registered, and home studies and the other studies that we're talking about have to be done.

Presumably the statistics that the ministry is able to obtain in the years to come will be more accurate. But 588 in one year in the province of Ontario is a significant number. Those are 588 situations, at least, where families have been given joy by bringing a child into the family, where obviously that child is much-needed and much-

awaited, and also 588 children have been given the hope of a better future that we all want for ourselves and our own children in this country.

As has already been stated, it's interesting that nowadays most of the foreign adoptions, the intercountry adoptions, take place from China, Russia and Guatemala, which may surprise some people. I wasn't aware of the fact that there were that many intercountry adoptions taking place from Guatemala. Obviously, in all these cases the economic circumstances that people find themselves in play a significant role in these adoptions. Certainly all the people who are involved in these adoptions, all the couples, are to be congratulated.

Undoubtedly, we all know there are difficulties sometimes in bringing up our own natural children. Some parents succeed more than other parents. But we all know the kinds of difficulties that can sometimes arise in families. Intercountry adoptions, where perhaps a child of a different racial origin is introduced into a family, may, in the years to come, produce certain strains within the family, on the child etc, but I'm absolutely convinced in my own mind that all those can be overcome in a loving and caring environment. I certainly applaud anyone who is even interested in contemplating any action like that.

As I indicated before in my earlier comments in response to the parliamentary assistant, I think this is a good day for the province as far as this kind of activity is concerned. It shows that the parties in the Legislature can work together. We're doing something that a significant number of people in Ontario would like us to do, and we've done it on a very non-partisan basis. I would like to congratulate all of those members for taking part in this debate today. Let's hope that we can give this bill speedy second reading and speedy third reading and proclamation as well so that at that point in time it will be easier for the people of Ontario who may be interested in intercountry adoption to actually do that.

I now turn the balance of our time over to the member for St Catharines.

**Mr Bradley:** I want to begin by again commending my colleague the member for Lawrence, Joe Cordiano, who took the initiative in this House to introduce legislation which would accomplish a significant portion of what is contemplated in this bill. It is in the spirit of the three political parties which have had a concern about this matter and have tried to resolve it. As has been mentioned, the member for Algoma is an individual who has expressed as well his concern about the problems that are confronted by those who wish to adopt children from overseas, from countries outside of Canada, by and large, and many of them from countries where there have been economic and social difficulties and there has been disruption. Many of the children have been left virtually without parents and sometimes even without people who are close in the family. Canadians and residents of Ontario have taken up the cause by adopting these children to provide for them the kind of home that would allow them to grow up and enjoy life, in this case in a new country.

There have been those roadblocks and we wanted to see those roadblocks overcome. That's why the member for Lawrence some time ago introduced his legislation which would in fact prompt this to happen. We have that legislation before us tonight. I predict you will see a unanimous vote in this House on this. It's not a particularly daring prognostication to say that, but you will see a unanimous vote, as you do whenever there is a consensus that develops on issues. That is why this kind of debate takes a smaller amount of time than other debates. I've always thought that if our rules were flexible enough on matters of great contention, we would have some rather substantial and lengthy debates in the House on those matters and much less debate on these.

We get a significant amount of our news, particularly that which tugs at our emotional strings, from television. As we see, for instance, children in other countries who have been left in, for want of a better word, orphanages in those countries and who have lost parents due to war or other reasons, or in some cases are in a situation where their parents have simply abandoned them for one reason or another, when we see this circumstance it certainly evokes in us a good deal of emotion and a desire to help. Very often we as a society feel helpless about it. We are inclined from time to time to turn the television channel simply not to face those problems which exist. But there have been sufficient numbers of people who have said that they're going to do something about that and who have had a desire at the same time to add children to their family or perhaps have a child introduced into their family and have the resources, the main resources being the love and care needed for children of this kind. I think it speaks well of those who have that concern for others, particularly for children in our society.

The children are probably the most vulnerable people in our society. They have very little experience in life. They are often unable to advocate for themselves; they always require someone else advocating for them. They are often without the kind of allies they would need, the kind of networks they would need, to bring their problems to the attention of others. For this reason it is particularly compelling on us to meet the needs of those children and to make it easier, though not without some regulation, of course, for people in our province to be able to adopt children from other countries. This legislation, which grows out of the efforts of the members of the three political parties to find a solution to this, will enable us at last to do it.

2010

If I were being mildly critical, I would say that it has taken some additional time, more time than I would have liked, to have the legislation come before us. The government has an agenda. It is very quick to bring forward legislation which the Premier feels is of the utmost importance, and unfortunately when that happens, when the government's main agenda is before us consistently, some of the issues where there is consensus, some of the bills where there would be all-party support, simply do not

appear before us for consideration until somewhat late in a session, which this is.

My hope would be — I say this with all new legislation — that this will not be an excuse for the government to launch yet another advertising campaign. The member for Burlington South perks up as I mention the thought of a —

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** Oh, I am. Remember "A Clean Sweep"?

**Mr Bradley:** I think it would be mighty difficult. There are some safe ridings so I don't think a clean sweep is quite possible. The member suggests there might be a clean sweep.

I look at the government advertising — \$4 million for health care, for instance — and I hope that the government will abandon these advertising campaigns that the government has going at the present time and devote the resources that are used for all of these advertising campaigns to implementing this piece of legislation. I think the member for Algoma, when he stood up to respond to the government, said he hoped that there would be resources available, as did my colleague from Lawrence: the regulations which we all believe would be necessary, plus the resources to implement the provisions of this piece of legislation. If the government is spending millions of dollars on advertising, then of course it won't be able to spend as much as it should on this particular resource.

If these children were to come to St Catharines and to need hospitals, we know that they would want to have available to them the Hotel Dieu Hospital. That's what we look forward to. When people come to our country, when children come to our country and grow up in our country, we say, what we have we got to offer? They of course have a lot to offer to us. You ask what we have to offer and we would like to say that we have the Hotel Dieu Hospital in St Catharines to offer to them.

**Ms Frances Lankin (Beaches-Woodbine):** At least you can say you have an MRI.

**Mr Bradley:** We now have approval for a magnetic resonance imager, thanks to the member for Beaches-Woodbine — it has been reannounced; she would know that — who made that announcement. I don't know if there was any money in the budget for it, but she did make the announcement and I'm sure there was going to be money had she had more time to place it in the budget. I'm absolutely convinced of that. But we do have that approval now. Of course, as you know, Mr Speaker, none of that is paid for by the provincial government; that is, the capital cost of it. It is raised fully in our community and we have had a major fundraising campaign in St Catharines and in the other parts of the Niagara region to raise money for our hospitals.

The magnetic resonance imager is planned to be in the St Catharines General Hospital, one of the many hospitals that we would like to have available to children who are adopted into Canada from other countries, because you would know from some of the debate that has taken place in this House that were the children to need kidney dialysis for some reason or other sometime in their lives,



we have an outstanding kidney dialysis unit in the Hotel Dieu Hospital.

The commission which was pronouncing on this matter — I refer to it as Darth Vader coming to town — made some assessments about the need for kidney dialysis in St Catharines and the Niagara region. According to some medical experts in the field of kidney dialysis — I can't pronounce the name they have for it but it involves kidney dialysis. Dr Brodsky, for instance, mentioned that the assumptions which were made as to growth were rather significantly out of kilter. I know that if adopted children were to come to St Catharines, grow up in St Catharines and ever have the need for kidney dialysis, they would want to have it available at the Hotel Dieu Hospital, which for over 50 years now has delivered the highest quality of health care services but has been ordered closed in the initial report of the hospital services restructuring commission or, as I refer to it, perhaps unfairly, the hospital destruction commission.

I did hear the Premier say today — he's perhaps listened to my speeches in the House for some period of time where I have quoted on several occasions, "Certainly, Robert, I can guarantee you it is not my plan to close hospitals." The Premier took a pre-emptive strike today and —

**Mr Klees:** On a point of order, Speaker: I wonder if you could confirm whether the member realizes which bill is before the House for debate, because certainly I haven't heard anything about the bill that I thought we were debating for some time.

**The Deputy Speaker (Mr Bert Johnson):** Debating on the bill before the House is certainly a point of order. I've been listening to the member for St Catharines for some time and I don't see that his arguments are not within the scope of the bill.

**Mr Bradley:** Once again, Mr Speaker, you have indicated your knowledge of the entire issue we deal with, and that issue includes what services might be available in terms of medical needs for adopted children in our communities.

*Interjection.*

**Mr Bradley:** I know my colleague the member for Lincoln may well be annoyed with you for trying to stifle debate on anything that would affect the Hotel Dieu Hospital because he has been quoted colourfully in the local newspaper —

**Mr Sheehan:** On a point of order, Speaker: Is it in order for the member put words in my mouth which I may have a problem accepting?

**The Deputy Speaker:** That's not a point of order.

**Mr Bradley:** I must concede that I have not consulted previously on this specific address with my friend from Lincoln, but I have heard him speak in colourful terms, as he always does, about his initial reaction to the possibility of the Hotel Dieu Hospital closing. I will not actually try to paraphrase him even in that, but he certainly expressed it in the most colourful of language and there would be no doubt where he stood in that regard.

I'm simply talking about health care services that might be available to adopted children were they to settle in the Niagara Peninsula. If they would require the services of an oncology unit, we have an outstanding oncology unit which administers chemotherapy to those who are suffering from cancer. This is a unit which has grown and expanded and provided outstanding service to people in our community, including some young people, unfortunately, as well who have been afflicted.

If they were to live to be a very old age, they would need perhaps the palliative care unit which is available at the Hotel Dieu Hospital, an outstanding service under the leadership of Dr Kerley, who has spoken out about need for this unit.

If they have diabetes, because sometimes children have that disease, or as they grow older they get diabetes, they would be able to go to the Hotel Dieu Hospital to have their needs met in an ancillary building.

If they had to be transported by helicopter in an emergency circumstance, they would know that there would be a heliport, a landing place, for the helicopter at the Hotel Dieu Hospital, because children sometimes have to be transported to various places.

There is a spiritual component to Hotel Dieu Hospital as well. Should they wish to take advantage of that spiritual component, which has been offered by the Sisters of St Joseph, the Religious Hospitallers of St Joseph, that as well would be available.

I am pleased to see that you recognize, as you always seem to, Mr Speaker, how these remarks relate to the bill that is before us this evening.

**2020**

I heard my friend from Lincoln mention Mr Verge earlier in his speech when he was speaking and certainly Mr Smiley. We have lost Mr Smiley very recently, as he mentioned. He had made a contribution to our community at large which was very significant.

I should inform members of the House that, speaking of Hotel Dieu Hospital, Mr Jack Leake, who was a long-time dialysis patient, unfortunately passed away today, or yesterday. He passed away very recently. It was in our newspaper today that he had passed away. He had been one of the real fighters for the Hotel Dieu Hospital. In fact, I think either the member for Beaches-Woodbine or the former member from Lakeshore, Ruth Grier, would have been in receipt of letters from Mr Leake, who had fought so very hard to maintain the services that are available at the Hotel Dieu Hospital. His passing will mean that one of the genuine allies of the hospital will not be with us as this fight continues, but we will certainly remember his contribution, his courage, his persistence and his commitment to assisting not himself but others who are afflicted with kidney problems, as he was.

I look at this legislation and say that all of us believe this is good legislation. The lead speaker, Joe Cordiano, mentioned a specific instance, a specific family, in his case that he dealt with, the Evangelista family, and their story. He said that's how he had become personally

involved in this issue when he was approached by some constituents who were adopting from Romania.

We saw it for some period of time, those children from Romania, just to isolate one place, who had been virtually abandoned. It certainly would tear at the heartstrings of anyone to see these children and the circumstances they faced without parents or family to look after them, with a staff which was obviously overwhelmed and overworked, with a staff which had few resources and perhaps not even the kind of necessary training to deal with these children. To see these children in just dire circumstances was certainly very sad for most of us.

That is why I am so very happy and heartened to see residents of Ontario who have wanted to adopt those children. There are plans, as we know, through various service and volunteer organizations, where one can adopt a child through paying money and the child stays in another country and is assisted through our financial assistance. But this is an opportunity for them to come to our country and this bill enables them to do so. It is most encouraging to see that this bill would enable them to come to our province of Ontario.

It does imply regulations, and I know very often this government has said that it doesn't like regulations, that it wishes to deregulate in many areas. But I know in this specific area, as we had the other night, we have a consensus that regulation would be very helpful to ensure that the families to which the children are coming are going to provide them with the very best care and love and meet their needs emotionally, spiritually and in terms of their physical needs.

When we have legislation of this kind, it is a happy day in this House. Even though some of us may be solemn at the circumstances facing some of these children, we are happy as a group that we have been able to come together to bring forward a piece of legislation which, by the way, will not take a long time. I believe this will be completed this evening. If necessary, there will be some committee time for people to comment. I would not contemplate a significant third reading debate, if any third reading debate, because we have this consensus.

I know that my colleague from Lawrence and the member for Algoma are both happy that we're seeing this legislation before us tonight. It's something that we all consider to be very positive. I can't speak for those independent members of the House, but certainly the three political parties have indicated their support for this. I suspect the two independents would be supportive of this legislation as well. I look forward not only to its passage in the second reading this evening and, if necessary, some time in committee to have hearings — I note that it is necessary when we have canvassed individuals who are interested — but also the actual implementation and having the resources available within, I presume, the Minister of Community and Social Services, to implement this legislation.

I don't think we contemplate that there would have to be significant and expanded expenditures to be able to implement this, but we do want to ensure that those

resources are available to those children who would be adopted and to the parents who have the concern and have taken the time to adopt these children and give them a life and give them a home in which they can be comfortable, feel happy and contented, and go on to live wonderful lives in Ontario.

**The Deputy Speaker:** Questions or comments? The member for Algoma.

**Mr Wildman:** I'll just speak very briefly and congratulate in particular the member for Lawrence on his initiative in trying to respond particularly to the prospective parents who are going to be adopting from Romania and for the effort he made to introduce first a private bill and then subsequently a private member's bill, which was debated in this House, which would have implemented the Hague convention in Ontario so as to resolve the problems facing families who had wanted to adopt from Romania and who faced very long delays and serious difficulties in bringing those adoptions to completion.

I just want to say that I supported his efforts and spoke on behalf of his bill when it was debated in the House, and I'm pleased now that the government has responded and is bringing in legislation which not only implements the Hague convention but also applies similar regulation to international adoptions in the many countries that are not now signatories to the Hague convention and will help to regularize the processes here in Ontario for those adoptions.

**Hon Mr Jackson:** I would first of all like to commend all members of the House who have participated in the debate and who have through their years, whether they be short- or long-term, expressed an interest in strengthening and improving adoption procedures both domestically and abroad. So to all members of the House who have participated, I commend them.

I was, however, interested in the comments made by my colleague from St Catharines and could not resist his open invitation to somehow tie adoption services to government advertising. He did make a reference to Clean Sweep and I know that he'll want to correct the record, but I do recall a very famous advertising program while he was in his capacity as Minister of the Environment, a program allegedly touting a lottery system that never really did happen but had a price tag of about \$2 million worth of government advertising.

My major concern is his consistent reference to the Hotel Dieu Hospital. I really think that, to be fair, we should get a clear, unequivocal statement from every single Liberal member of this House. If they are that committed to these hospitals, let them stand in this House and declare that they're going to reopen every one of these hospitals across Ontario.

The truth is that at the time of the last election, we had no idea that we were going to have to respond to the restructuring requirements of this province. We didn't have a plan at the time. We do have a plan today and we vigorously defend that, but what wasn't apparent was when Lyn McLeod said that \$17.4 billion was enough and no more money was required in our health care system,



and Mike Harris has responded by increasing that to \$18.7 billion. The truth is, Dalton McGuinty does not have a plan and he won't be honest and fess up and say whether he'll keep these hospitals open in Ontario.

2030

**Mr Frank Miclash (Kenora):** We've seen a great amount of agreement around the bill at hand this evening. It's unfortunate that we should have to listen to such partisan comments as we just listened to from the member for Burlington South when we're here on agreement on a very important issue.

We talk about international adoption and making families in Ontario happy. We must think about the children who are finding happiness as well through legislation such as this in terms of their coming into a province which we quite often refer to as the best place in the world to bring up a family and for children; again, a bill that is moving forward with the agreement of the entire House and one that will bring much happiness not only to families in the province, but to many children who are involved in this adoption as well.

**The Deputy Speaker:** Comments or questions?

The member for Lawrence has two minutes to respond.

**Mr Cordiano:** I just want to say in conclusion that I again thank all the members for being involved in this debate and for the support and consensus we've built around this issue.

Two things come to mind. First, and the member for St Catharines had mentioned this earlier, the ministry needs to devote enough resources to ensure that this bill is implementable in our own jurisdiction. Further to that, the ministry, because of its contacts and the dealings it will have and has had with other jurisdictions, should be encouraging the adoption and the ratification of the Hague convention in other countries. I think you can work with other countries to ensure that happens. By the way, the standards that are being proposed in this piece of legislation that was brought forward by the minister for Ontario are contained within the Hague convention. It's very important to recognize that.

I want to also thank my colleague the member for St Catharines, who mentioned some very important reminders for all of us. It is important to have a health care system that we can work with, because those children, you're right, in the future will be dependent on those health care services. So it's important. I remind the minister, the member for Burlington South, that the Premier today did reverse his position. He had to do an about-face and admit that he did not live up to his commitment that he would not close hospitals. I think they're beginning to feel some heat on this. By the minister's own admission, this is important, and we want to continue to be proud of this Ontario of ours so we can say to the rest of the world, "This is a great place to come to live," and we can continue with those adoptions.

**The Deputy Speaker:** Further debate? The member for Beaches-Woodbine.

**Ms Lankin:** I'm pleased to have an opportunity to participate in this debate, and I will be sharing the leadoff time with the member for Algoma.

I might begin by commenting on the fact, as has been acknowledged by other speakers here, that there is all-party agreement with respect to this bill. There may be a couple of areas of concern that various organizations who are familiar with and work in this field of intercountry adoption have. We have made arrangements with the government for technical briefing for these organizations and, if necessary, for a couple of days of committee hearings so those concerns might be dealt with. But the support in principle for the bill at second reading and through the course of hearings, if necessary, and third reading, final support for the bill, is assured by all members of the three parties.

It speaks to the importance of the topic when we're talking about children, children who are subject to potential conditions of abuse and exploitation, and desperate families who wish to adopt who can be subject to potential abuse and exploitation. Where we know there has been international agreement arrived at that can bring an end to that, it only makes sense that there would be both agreement and interest in facilitating quick passage of this legislation.

The member for York-Mackenzie touched on a number of aspects of the bill in his presentation. It was a very thorough presentation, and I appreciate the effort that went into that. I'm not going to proceed to repeat various aspects of the bill. I think he did a very good job.

I will respond to a couple of points that he raised in particular, but before I do that, I want to also comment on the remarks from the member for Lawrence, who spoke about the fact that we could have proceeded at some earlier point with a stand-alone bill implementing the Hague convention, and I want to acknowledge that in fact that was a possibility.

The member for Wentworth North raised the case of a constituent family who suffered through various delays and a tremendous amount of bureaucracy in attempting to adopt a brother of children they had already adopted from Romania, and he talked about the need to ask the minister to intervene.

I just want to again underline the reason those problems existed. The reason there were delays and there were problems was that Romania was one of the countries that was a signatory to the Hague convention, and Ontario wasn't. That was the cause of the problem. While we could have moved ahead and done that, at this point in time the bill that is brought forward has additional measures in it which will help to a certain degree in dealing with countries that are non-signatories to the Hague convention, and I'm fully in support of that. But the member is quite right that these two aspects could have been dealt with at separate times.

The member for York-Mackenzie in his comments did talk about this bill as being one that would bring about the protections that are necessary with — I'm not sure, but I think his words were "minimal red tape." I have to tease

him a little bit and say that ideology always seems to get in the way. This is not a bill that reduces red tape. I'm sorry. I know you would like to characterize it as that. This is a bill that puts in place some pretty stringent regulations, and ones which I agree with completely. You could actually admit —

**Mr Klees:** Mr Speaker, on a point of order: I just think it's important that we clarify that red tape is bad regulation; we're talking about good regulation here.

**The Deputy Speaker:** That is not a point of order. The Chair recognizes the member for Beaches-Woodbine.

**Ms Lankin:** OK, so we're dealing with a green tape bill here, which is good regulation. However you want to colour it, the fact is that in some fields of public policy and of good governance and government administration, regulation is sometimes important. I noticed that earlier today we were dealing with a fuel tax bill that dealt with regulation of the temperature of gas and how it is taxed, so, you know, folks, let's not take the rhetoric on reducing red tape too far.

I do want to comment on a couple of issues which will largely be dealt with in regulation and/or in policy and practice — these are things that I know the member for York-Mackenzie and all members of the House will agree with, but I just want to put them on the record as issues of concern — that the members of the community who have been involved in intercountry adoption will want to be assured of.

2040

Firstly, and I think very importantly, there has to be a commitment to resourcing the adoption branch if this piece of legislation is to mean anything. One of the problems we have seen in families that have attempted to work through the ministry with respect to intercountry adoptions — they may be dealing with a country that's a non-Hague signatory but one which itself has very stringent rules in terms of protecting families and protecting children who might be adopted from their country to a country such as Canada. China is a very good example of that. They're not a Hague convention signatory, but they have in place very stringent rules. I'm sure my friend from Algoma will speak to that point.

One of the problems in dealing with the bureaucracy through the ministry has been not an unwillingness or a lack of knowledge on the part of the ministry of how to deal with these provisions or how to be of assistance, but simply a huge workload issue and the problem of time, and time delays are a crucial concern to families. In introducing more stringent regulations and introducing controls which have at their centre the need of a director of the branch providing the approvals for adoption, you introduce a workload issue that must be recognized and must be resourced. I'm sure the member for York-Mackenzie, from my discussions with him, both agrees with that and feels confident that issue will be addressed, but people in the intercountry adoption community will want to be assured of that and they'll want to see some money where the words are. Too often promises are made and the

resources don't follow, so that's an issue that I want to now stress and will continue to stress.

The regulation and licensing of organizations: Again, we're assured by the ministry officials who briefed us today that there is every intent that organizations that are competent in this field — they might be not-for-profit organizations or they may be organizations that involve legal firms — will be licensed. We want to be assured that there won't be professional requirements to be met in order for a group or an agency to be licensed. In other words, not only social workers or lawyers could be facilitators in this field, because organizations like Children's Bridge and many others out there who have done excellent work in this field, who know the needs of families, who know and have the connections in other countries, are organizations that we will want to continue to be involved in this. We have been assured by the ministry that there is no intention to impose in regulation professional requirements, but there will be, of course, a competency requirement, and with that we agree wholeheartedly.

Of course, one of the other concerns they have will be the licensing fee and that it not be set at a level that is prohibitive to not-for-profit organizations. If it is the intent of the ministry to adopt fee schedules current to those schedules in place for domestic adoption, I think the concerns will be addressed very quickly.

These are issues that I think groups out there have questions about and that they will bring forward.

I want to address one other issue with respect to adoption. I guess it was brought to mind by the comments of the member for York-Mackenzie, who highlighted his concern that there needs to be more information available about adoption as an option both to an individual parent or parents who might look for an option of giving a child up for adoption, that that information be available to them, and of course help and support to families who are seeking to become adoptive parents.

I think we all know that the huge increase in the number of families who are seeking to participate in intercountry adoption is largely because they're not finding the opportunity here at home in Canada. Sometimes there are individual choices. Sometimes it is a humanitarian response to conditions in other countries. Those are all very important and valid reasons as well, but often it is also because families who wish to adopt a young child are unable to find an adoption option here for them, as the member referred to.

One of the things I want to raise is the concerns I have with respect to another piece of legislation that is before this House, and that's the amendments to the Child and Family Services Act.

Within the current act, the provisions for adoption are largely set out. There had been an expectation that when amendments to that act were brought forward, and in this case these are very important amendments the minister has brought forward to deal with child protection issues, when that act was opened up, there would be a number of provisions dealing with adoptions in the province as well, and people have been waiting for the opportunity. Those deal



with things such as adoption disclosure but also with a very important issue with respect to the adoption of crown wards, children who have been taken into protection and, through a series of decisions that have been made about permanency planning for that child, the decision has been made in the child's best interests not to return the child to their birth parents in that situation or to the family they were removed from that was bringing them up.

One of the problems the current laws have is that there is a possibility for access orders to be provided, where the family has the right of access to visit with the child; the child may be in foster care or in care of some sort as a crown ward but there is a right of access. The current law doesn't allow crown wards who have access orders — adoption is not a consideration; the law does not allow them to be adopted. They are not available to be adopted.

The expert review that came forward dealing with child protection issues, the Hatton recommendations, included a recommendation that talked about easing this situation. More specifically, it talked about having the possibility of crown wards who have access orders also being able to be adopted. In the case where there were wishful adoptive parents or even foster parents who wanted to adopt at that point in time, that would be possible coexisting with the access order.

It is an issue on which there is not a well-developed consensus, and I will acknowledge that. I will also acknowledge that the ministry tried to respond in a certain way to the concerns that underlay that recommendation. In the legislation, they have provided for a new and more stringent set of requirements with respect to access orders, which have a review, so that essentially children are not left in limbo for a long time when it may be that the very real and best interests of the child would be served by having that access order removed and having the child able to be adopted and move to a permanent home.

Those new changes will come into place, but they're not retroactive with respect to the crown wards with access orders now, today. So we will have a situation, first of all, where there will be a dual status, we could say, and we will have a situation where only if there is cause to review the access order of one of the existing crown wards will there be a possibility for the new, more stringent application of access orders to come into place.

There could be some easy solutions to this, I think. One of the things the ministry has suggested is that children's aid societies could bring forward those access orders back to court for review. I would argue at this point in time, where the front-line workers in the children's aid societies are dealing with caseloads 36% higher than the appropriate level, and where we are implementing a grand number of changes through this legislation, through the new risk assessment tool, through the new technology that's coming in place to link CASs in information-sharing — all of which are things I support, but they put tremendous stress on the front lines, and the resources are not in place, as we speak today, for them to be able to do their job appropriately.

I believe it is fair comment to say that the review of access orders for crown wards, unfortunately, will be left on a back burner. I don't believe it would be a priority and would be addressed; I don't believe it could be. In comparison to the urgent need for child protection action and the things we are dealing with in terms of new definitions and including neglect in the definition, the urgency of all legislators and people in the field is to ensure that the front-line protection services are there.

How could we facilitate this? One suggestion I have made is that as part of the legislation there be a mandated review and that that be resourced as well. Similar to my comments earlier, it would be necessary for that to be resourced, but a mandated review from the legislation which would ensure that all of those cases could be updated and could be brought in under the purview of the legislation.

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There may be another legal solution to this, and I look forward to response from the ministry. I have indicated to the ministry staff and the minister's staff, who were very helpful in the presentation, that this is an issue I wish to pursue. I also think you will hear from people, just in general with respect to adoption, about the need for some measures on adoption disclosure and others to be done at this time and not to wait for another five years for a review of the legislation. All of us know that when a piece of legislation is opened up, it is a golden opportunity for changes to be made, because it doesn't come around often, unless it has to do with municipal property taxes, that a bill will be opened on successive opportunities.

**Mr Wildman:** If at first you don't succeed.

**Ms Lankin:** That's right.

I raise those as issues of concern but also issues that address to some degree comments that were made by the member for York-Mackenzie.

I'm not going to prolong my remarks. I am in very significant support of this legislation. I think it will certainly, in the first order, implement the Hague convention, which will resolve problems in dealing with countries that are signatories to the Hague convention that have been reluctant to deal with Ontario because we have not up until this time become signatories to that. It will to a certain degree allow us, through regulation of our home community involved in this and through stringent regulation that wishful adoptive parents must submit themselves to in terms of the application — the home visit and approval process and the involvement of the director — in that those things must be done before travelling to another country and there are offences set out in the legislation, if someone is involved with an operator who is unsavoury, shall we say — and I think all of us have heard of, and the member for York-Mackenzie raised the issues of, illegal adoption rings that exist — it will to some degree allow us to deal with that.

Where we can raise our voices to the federal government and ask them on an international basis to seek to have more countries join with us in signing the Hague convention, all the better, because that is a more secure

assurance for us that these sorts of measures will spread to deal with the problem in a number of countries and that there will be fewer cases of abuse of wishful adoptive families and of children from those countries.

I will turn the rest of my time over to the member for Algoma.

**Mr Wildman:** I am very proud to participate in this debate this evening. I want to congratulate the government for moving forward in this regard and, as I've said before this evening, express appreciation to all of the members of the House who have participated in the debate and expressed support for the initiative brought forward by the Minister of Community and Social Services.

I say I'm proud because frankly this is one of those rare occasions where the Legislature actually works: a matter is brought forward which is of significant public concern, proposals and suggestions are made by members on all sides, there is discussion and debate, correspondence, advocacy, and the minister and ministry staff respond and bring forward legislation that then can be debated and supported by members on all sides of the Legislature. This really is one of those rare occasions, and I'm very proud to be part of that.

I'm also proud of it because of my family's experience and the fact that we have been very fortunate in that we are one of those families in Ontario who have had the opportunity to adopt from overseas. Our little girl, Tian-tian, which is her Chinese name, which in Mandarin means "double sweet" and she is indeed — her Canadian name is Tiana — is a wonderful addition to our family and has been a joy to all of us, her mother and myself as well as her three older brothers and three sisters-in-law, and now one niece and one nephew. She has become part of a growing family and has been a really significant addition to our lives. We are very proud of her, and I think she is of us as well. I know she is, because she often tells people that mummy and daddy went to China and she adopted them. That, I think, is an indication of how well she has become involved in our family and how well she understands the process. She's quite right: She did adopt us and we have become captives to her wonderful personality ever since.

I think I should tell you a little bit about my experience and explain why I'm in support of this legislation. Since we became interested in international adoption, we've become involved with an organization called Canadopt, which is an umbrella organization representing parents who have adopted from many different countries overseas. There are Canadopt chapters across Canada and throughout Ontario. The one in Sault Ste Marie is a virtual mini-United Nations.

The Canadopt organization has functions throughout the year for the children, and there are children from every part of the world. There are many from China, but there are also children from Russia, Romania and other parts of eastern Europe, the Caribbean, Latin America and Korea and other parts of south Asia. It's a wonderful organization, a wonderful group of people who are committed to assisting one another and helping with the problems that

some of these families inevitably face. The experiences these families have had range from very, very good experiences like ours, in terms of the process of adoption, to some very difficult ones that have involved serious delays and significant cost.

My wife, Anne, and I were very fortunate when we decided that we were interested in international adoption in that we got information from groups involved with Canadopt about adoption from China and were introduced to an organization like many other organizations that are involved in international adoptions that facilitate adoptions overseas for parents who wish to participate. That organization for us was an organization called Children's Bridge, which is headquartered near Ottawa and operates throughout Ontario and across Canada in assisting parents to adopt from China.

Their assistance was invaluable because they had the contacts in China; they understood the adoption process in Ontario and they understood the adoption process in China. They knew all of the regulations, all the hoops that the family had to go through, and they also understood how to help make even the travel arrangements. I don't think it's improper of me to mention that in that particular instance Canadian Airlines gives a half-price fare to parents who are going to China to adopt, as part of their corporate contribution to facilitating the process. It can be a very expensive process just to travel and going through all the bureaucratic processes, so that is a significant part of it.

Children's Bridge, because they have the experience and the contacts, know which organizations to deal with, which individuals within those organizations, both the government organizations and otherwise, to contact when there are problems and to smooth out the bumps along the road.

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We initially decided we were going to proceed with an adoption from China, I think it was in late January or early February of the year. We arranged for a home visit by a private practice social worker in Sault Ste Marie who came to visit us a number of times and then visited friends and acquaintances who could tell her about what they knew about us as parents and about our family and our experiences. Because of the previous experience in our family, which I won't go into here, the social worker had some concern about our motives and whether we were ready to adopt. I guess that's the best way to express it.

She did a very thorough job and those of you who know me might not be surprised when I got a little frustrated with the process and thought that it was taking a little longer than it might have. But she was very thorough and we really do appreciate the work she did.

She did the home study, then made the report to the Ministry of Community and Social Services in Ontario here. They reviewed it, gave approval. That was then submitted to the adoption desk in Ottawa, which then contacted — Children's Bridge was facilitating this all along the way; they made sure that it followed all the hoops. The adoption desk in Ottawa submitted that to the



Chinese government, and the Chinese government then had to go through the whole process.

Children's Bridge told us what we had to do. We had to send a photo of ourselves, a photo of the outside of our house, a bank statement indicating that we had the funds to be able not only to raise the child but to ensure that the child could get post-secondary education. The Chinese believe that there should not be tuition but that post-secondary education should be free. They know it's not free in North America and therefore they want to ensure that families have the money to educate the children properly.

That all had to be sent to China. Then we waited and waited. Children's Bridge indicated to us that when the Chinese finally approved it, it would come back to Canada and we would have to be ready to go on a moment's notice, and they have arrangements with Canadian Airlines to ensure that's possible. So we were all packed and ready. My wife had made arrangements with her employer that she would be able to leave and so on.

We found out from Children's Bridge that the other couples — there were 12 couples altogether in this group — had gotten approval and we hadn't heard anything. We wondered why this was happening, so Children's Bridge got in touch with their contact in the Chinese ministry, who was not in China at the time but rather was touring the United States visiting other agencies similar to Children's Bridge that participate in and facilitate adoptions from China to the United States for American couples. They finally tracked her down in Philadelphia and asked her why — her name was Madam Lee — it was that the Wildmans hadn't received any correspondence when all the other couples in this group had. Madam Lee informed her that the Wildmans' bank account wasn't good enough. The reason for that — this may be changing in China — is the Chinese do not participate, or didn't at that time I guess, in things like RRSPs, stocks and bonds and so on. They just wanted bank statements. Frankly, what we had to do was to redeem a number of RRSPs and put the money in the bank — and paid some tax on it as a result. We got a second bank statement submitted, and we were approved. Madam Lee concluded that we did indeed have enough money to properly raise the child and to educate her. For those of my constituents who wonder, you can now understand that I am indeed a poor man.

At any rate, then we waited again, and what happened was that all of a sudden we received a letter from an orphanage, and that's an important role of the facilitator, in this case Children's Bridge. They knew the orphanages. They knew which ones were really good orphanages that looked after the children well, which ones to deal with and which ones, unfortunately, they did not wish to deal with. We received a letter from the orphanage. Enclosed in the letter was a picture of the baby, whose head was shaved, which was a little disconcerting, but Children's Bridge had warned us about that, and a medical examination statement explaining the medical condition of the child, saying how old she was, what her name was and did we accept this child. Children's Bridge had already told us

how to word the letter back. It was to explain why we wanted to adopt, did we accept her — yes, we did, of course — the reason we wanted to adopt and so on.

We wrote back and again we waited. Then suddenly we received notice that in the next week we should go, and we went. We arrived in Beijing first and flew from there to Nanjing, a two-hour jet ride, to the south of China, and were met there by the representatives of the orphanage and a young man named Bush Jong, who on a voluntary basis was acting as the interpreter because he wanted to improve his English and also wanted to help the children. He happened to be wearing — I can't believe this — a baseball cap with "Goulais Fire and Rescue" on the top of the cap. Goulais is a community in my constituency, and here I am in south central China meeting a man who's wearing a baseball cap from my constituency. I looked at him and said, "Where did you get that cap?" and he looked at me like there was something wrong with wearing this cap. I said, "No, it's just I'm surprised." He said, "A couple came from Sault Ste Marie last year and gave me this cap." A couple came from Sault Ste Marie to adopt a girl from China. He said, "Goulais, that's near Toronto, isn't it?" and I said, "It's a hell of a lot closer to Toronto than Nanjing is."

We went then to Yangzhou, which is 70 kilometres from Nanjing, stayed in a motel there, unfortunately were not able to visit the orphanage because of recent reports on the BBC about the orphanages in China that the Chinese did not like, and so they wouldn't allow us to go, whereas previous groups had gone to the orphanage. Instead, the representatives of the orphanage came to meet us at the motel. We had to go through a whole process of getting approvals in China. All the approvals had already been given but we had to go through it again. The bureaucracy in China tends to be a little bit bigger than even here. Then, when we got approval, suddenly one day we were told — this was about two days later — that the babies would be delivered, and I can tell you, without going into detail, that it was one of the most emotional experiences of our lives. To see all the couples receive their children and to see the caring and love of the children by the nannies and nurses from the orphanage and the genuine concern of the Chinese for the families and for the children was really heart-warming. There was a tremendous bonding immediately.

The next day when the people from the orphanage came to say goodbye, our little girl, Tiantian, Tiana, refused to leave my arms to say goodbye to them, which was quite amazing. We found out subsequently that the orphanage, because she was a little older than the infants — she wasn't an infant like most of them — had been spending the previous two weeks with our pictures, telling them that this was baba and mama. Baba means daddy, and mama. So she knew from the pictures what we looked like.

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We returned to Beijing and had to arrange with the Canadian embassy and wait for five days to have landed immigrant status and then flew back to Canada, and there it is. It was a wonderful experience and the beginning of

an experience for all of us that, for those people who wish to adopt, I can only say is something they should look at seriously, and if they get the opportunity they should. But without the assistance of the facilitator, in this case Children's Bridge, it would have been much more difficult for us and for the other couples. Their role is very important.

I support the legislation which says that facilitators such as this organization should be licensed. They do as well. They are concerned about what criteria might be used, and I hope that the technical briefing that is going to be given to them will allay those concerns. I suspect it will and they will be able to move forward.

I said that the other groups in Canadopt, some of the other families, didn't have the same positive experiences we had. I have a very good friend in Sault Ste Marie who has three adopted children. One is an aboriginal child from Canada and the other two are from Central America. One of the experiences they had was anything but positive, except the result, which was positive. They were dealing with private individuals, in this case lawyers and doctors who were facilitating private adoptions. In one of the two cases, she went to — I won't mention the country — the Central American country, and while they had been told all the paperwork and all the approvals were done, when she got there she found out that very little of it had been done. They had spent a great deal of money.

Where some might have become discouraged and come home and would not have achieved the adoption, she decided to stay there and stayed for a total of three months, ensuring that all the steps were followed through, and then finalized the adoption. The adoption was finalized and they returned home and they have a wonderful little boy as a result, but it was a tremendous expense and tremendous inconvenience. You can imagine the emotional highs and lows the family went through. Hopefully, by passing this legislation and ensuring that there are proper procedures followed in Ontario and that there's a central authority in Ontario dealing with a central authority in the host country, those kinds of problems can be resolved.

I don't believe, as some members have said tonight, that we can be assured there will not be any problems in the future, but surely by passing this legislation and requiring proper licensing of facilitators, by ensuring there is proper regulation and the proper steps are followed here in Ontario, and that there is a central authority here dealing with a central authority in the host country, these kinds of difficulties will be minimized and families who want to adopt will not go through the tremendous expense that some have in the past, and the emotional commitment, and then find that they don't in fact get an adoption, which I think would be tragic. I hope that doesn't happen in the future.

I am very much in support of licensing adoption agencies. This is an important step. Not only will it ensure that the agencies are competent to do the facilitation, but that some of the negative perception around the kinds of things the member for York-Mackenzie mentioned will not happen. The experience in Hungary and Croatia is a terrible one that I was aware of before. He delineated what was

essentially a private business, an illegal business, of selling babies. That has produced a tremendously unfortunate perception of facilitators which, for most of them who are genuinely interested in helping children and families, is completely unwarranted.

Also I think that by passing this legislation we'll be ensuring greater uniformity in the process and among agencies. Right now I think there are some agencies or people who put themselves forward as facilitators whose motivation is quite questionable, and that can certainly be regulated by a proper licensing process.

As my colleague from Beaches-Woodbine mentioned, I hope that the licence fee is not prohibitive to prevent not-for-profit volunteer organizations from continuing to do the kind of facilitation that Children's Bridge did for us. I'm assured by the staff of the ministry that that's not likely and I'm hopeful that will ensure they will be able to continue their work.

In the past, some people have been asked to pay large sums of money to agencies, usually up front, and then when problems occurred, there were breakdowns and they were subsequently asked for more money.

The question of the central authority under the Hague convention: That's quite clear. I hope that countries that are not signatories to the Hague convention will set up organizations or agencies that will act as central authorities, similar to the way the Chinese government does, that will ensure an effective government-to-government relationship. However, in some countries things are not as sophisticated as they are in countries like Canada and China. There are situations where many people can be subject to favouritism or bribery, even including some of the people who are officers of the court in some countries. Hopefully, as we have more countries sign the Hague convention, this kind of situation will be rectified.

I am quite happy with the assistance that has been given, and I think the provincial bureaucrats would agree with this, to families who wish to adopt to Canada by the Canadian embassy and the people who work for immigration for the Canadian government in these countries. They play a very important role and I know that the proposed legislation recognizes the role of the National Adoption Desk.

I want to finish by emphasizing what my friend from Beaches-Woodbine and others have mentioned, and that is the need to ensure proper resourcing for the ministry staff — staffing as well as resourcing. We don't want to have a situation where we are attempting to improve the regulation result in a situation where there are delays in approvals by the director, by the central authority here. I think there is a commitment on the part of the government to provide additional resources and additional staff to be able to implement this legislation. I believe sincerely the commitment of the minister and her parliamentary assistant to ensuring that this legislation is implemented well. It would be tragic if we were to do this to improve situations and find that we are adding to delay.



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I want to again congratulate the member for Lawrence for his initiative and to say I am very pleased that the Minister of Community and Social Services has responded to the concerns that many members have raised in this House about the needs of international adoption families. I believe she genuinely wanted to respond. She recognized the importance of implementing the Hague convention, but also recognized, as I indicated to her on a number of occasions, both in writing and personally in meeting with her, the need to deal with the 80% of children who are adopted in Ontario who are from countries that are not signatories to that convention. China is of course the one I know most about and it is one of the largest countries that has children adopted into Canada. Russia is another.

Those countries, particularly China which I know more about, have very effective systems, but many other countries where there are adoptions into Canada do not have as effective systems. Hopefully, by passing this legislation here, we will ensure that in Ontario we're doing all we can to facilitate and regulate the adoption of children from abroad, and to assist families to bring young people like Tiana into their lives and to enrich their lives through that experience.

One of the reasons that I think this is so important is that there are so many children around the world who are institutionalized in orphanages or who are living on the street and just surviving as best they can. We have enormous wealth in this country. There are many families, many couples, in this country who want to have children and who have had difficulty in having their own children, or who for whatever reason wish to add to a family they already have. Whatever we can do to bring those two together, the children and the prospective parents, we should be doing. That's why this legislation is so important.

Some would say, "It's only a few kids — 580-some children in Ontario last year — when you consider the millions of children around the world who need assistance." There are other ways of helping children and many of us participate in those ways through aid agencies and so on. Not all of us can adopt or would want to adopt from abroad, but for those who do and can we should be doing everything possible to ensure that they are protected and their children are protected.

Again, I'm very, very pleased and proud to participate in this debate in the passage of this legislation. I congratulate the government and the minister and I appreciate the efforts of so many members in this House. I just hope there will be many more families who will be able to have a child say to them, "My mummy and daddy came to China" — Guatemala, Venezuela, Romania, Russia — "and I adopted them."

**The Deputy Speaker:** Comments and questions?

**Mrs Helen Johns (Huron):** I want to congratulate the member for Algoma, to say that I enjoyed his discussion a great deal. It's always interesting to hear perspectives on families and how they're built and how they work together. I know that in Huron county my husband and I

have a number of friends who have gone through this same process, and I want to say that along with having enormous wealth in this province, we also have parents who have enormous love to give to kids. I find in almost all the cases I've seen that these kids are substantially better off than they would have been in other places, so I think it's a very important thing that is happening in the Legislature today.

One of the things that I thought was interesting that the member has recognized and that we have seen in our own friends and family is the difficulty people have had when they've got to different lands to adopt their children. We've seen delays in approval. We've also seen facilitators who have had very questionable motives, and that when parents have got there and are all excited and in a land where they don't speak the same language, things start to dissipate for them and all of a sudden what should have been a beautiful experience and a wonderful bonding experience becomes some traumatic thing in their hearts. By entering into the Hague convention today, and by everyone in this House expressing the interest that we all have in helping families and children, I think we are just a little richer as a province today.

**Mr Bradley:** I want to thank the member for Beaches-Woodbine and the member for Algoma for their contributions to this debate. It was very positive and it was very informative.

The experience that the member for Algoma has gone through is an extremely valuable one for him to share with members of the House because he knows on a first-hand basis the challenges which face parents who wish to adopt children from other lands and how to overcome some of those roadblocks and how to maintain the kind of patience, which is difficult to maintain I'm sure, on many of those occasions the member mentioned. We would not be surprised that he would show some impatience, as he does from time to time in the House, when he believes that matters aren't unfolding as they might. I know he would be very anxious in regard to the adoption possibility and I can understand his angst at the time and his perhaps mild annoyance that things were not proceeding as quickly as they should. His experience that he has shared with members of the House and through the Ontario Legislative Assembly television network, that he has shared with the people who are watching, and indeed with any who might read Hansard and with those who might simply talk to others about his speech, has been an extremely valuable contribution to this debate.

I want to commend him for taking his initiative. He and his wife have certainly taken on an initiative which many might be reluctant to do. Their motivations of course are of the very highest that we look for. They set a good example for others who are looking to adopt children from other countries. Let us just hope that this legislation will assist us in meeting the needs of those children and of the parents who wish to adopt them.

**Mr Klees:** I thank the member for Algoma for his recounting and allowing us to share with him what he experienced in going through that process.

I thank the member for Beaches-Woodbine for her contribution to the debate. She made some very important points regarding resources, and I couldn't agree more that it would be inappropriate for us to take this important step without also ensuring that the resources are there to ensure that this process works smoothly.

My wife, Jaine, and I 16 years ago went through this process as well domestically, not intercountry adoption. I know what it is to wait with great anticipation. I know also what it is to be frustrated that it doesn't happen, and the joy that's there at the end of the day when this important process helps to create a family unit.

On behalf of the minister, I want to thank all members who participated in the debate this evening and I want to thank all members for their support for this most important piece of legislation. What we need to remember is that while this legislation represents a framework under which this process can take place, at the end of the day it really speaks to the heart that men and women throughout this province have for each other and for children. Truly this will make the province much stronger. We welcome those children from the far parts of the world as they create, together with their parents, the true fabric of this province. We look forward to this legislation becoming law.

**Mr Miclash:** It was quite touching this evening to learn first-hand the experiences of a fellow member here in the Legislature when it came to adoption. I've had the opportunity to actually meet his daughter at one point here in the Legislature and have been able to witness for myself how important it was for this family to have gone through with what was a very important move in their lives, I'm sure.

When we take a look at the whole process that we've discussed this evening, we're certainly looking at putting kids first and allowing for them to have an opportunity in what I consider to be the greatest country in the world and probably the greatest province in that country. Again, some very important legislation and a very educational evening for all of us who agree that this is important for us

to get our comments on the record, and I too would like to congratulate all members who contributed to this debate.

**The Deputy Speaker:** The member for Algoma has two minutes to respond.

**Mr Wildman:** I won't use the full two minutes. I want to thank the members for Huron, St Catharines, York-Mackenzie and Kenora. I would just say that in recounting my experience, I wasn't doing that to say that somehow our family was special. I was just trying to give the experience for members, because so many families have taken the opportunity to adopt abroad. I'm just here along with other members because we want to facilitate that.

I want to thank the members for their comments and to say that the delay that occurred for me was not that long. We were first involved in it in late January and we had our little girl home just before Christmas, in December, so it wasn't very long. My impatience is just part of my makeup.

Certainly, for us as a family and for all of Ontario these kinds of adoptions, as the member for Huron said, enrich all of us.

**The Deputy Speaker:** Is there another member who wishes to participate in the debate? If not, the parliamentary assistant.

**Mr Klees:** I want to, on behalf of the government, thank all members for their contributions. We look forward to this matter coming to a vote without any further delay.

**The Deputy Speaker:** Mr Klees has moved second reading of Bill 72.

Is it the pleasure of the House that the motion carry? It is carried.

Shall the bill be ordered for third reading?

**Mr Klees:** Mr Speaker, I ask that the bill be referred to the standing committee on social development.

**The Deputy Speaker:** So ordered.

It being after 9:30, this House stands adjourned until 10 o'clock tomorrow morning.

*The House adjourned at 2133.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
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**Assemblée législative  
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Deuxième session, 36<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

# **Journal des débats (Hansard)**

**Thursday 5 November 1998**

**Jeudi 5 novembre 1998**

**Speaker**  
Honourable Chris Stockwell

**Clerk**  
Claude L. DesRosiers



**Président**  
L'honorable Chris Stockwell

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 5 November 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 5 novembre 1998

*The House met at 1003.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### PROFESSIONAL FORESTERS ACT, 1998

#### LOI DE 1998 SUR LES FORESTIERS PROFESSIONNELS

Mr Ramsay moved second reading of the following bill:

Bill 71, An Act respecting the regulation of the practice of Professional Forestry / Projet de loi 71, Loi concernant la réglementation de l'exercice de la profession de forestier.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the member has 10 minutes for his presentation.

**Mr David Ramsay (Timiskaming):** It's with great pleasure that I move second reading of this bill, An Act respecting the regulation of the practice of Professional Forestry, because we in the province of Ontario know how important the management of our forests is. Over the years there has been tremendous concern by the public as to the management of our crown forests and how forests on private land are managed. It has become quite frankly a very political issue. For that reason, for the privatization of forest management over the years, really taking custody of our forests over the years and how the government has operated that, it makes very important that the public has assurance that our crown forests especially are being managed to the very highest regard.

I think people would be aware that the Ontario Professional Foresters Association is an association that already exists. It was incorporated by an act of this Legislature in 1957. At that time, the act set up a voluntary professional association that offered its members a professional forum and educational opportunities and other benefits typical of any professional association. But because of the increasing need and the demand on this profession, it is time to move the bar up to basically grant this association self-regulatory powers so they can discipline themselves, and also receive scrutiny and, if it happens, complaints from the public and be able to deal with those in a professional manner. It's very important that this happen.

The growth of the profession's numbers and the value of its certification has led to calls within this organization

for the government to vest the forestry association with licensing power. In essence, what the association wants is the government to enhance the reach, the authority and the accountability of the profession in order to lead to greater conformity to the highest standards of forest management throughout Ontario. I believe no one in the province could really argue with that.

As I've mentioned, there certainly is a public policy need for this. The central rationale for this transformation in this association to a professional one is the growing need for an accountable, independent profession to provide expert professional services aimed at ensuring the best possible forest management practices. There are three significant trends that have contributed to the emergence of this need: the mounting public concern over the state of the forests, the consequent politicization of forest management and the changing role of government in Ontario in managing the province's forest resource.

First, I'd like to touch upon the mounting public concern. As a northerner I certainly understand, and any member of this Legislature would understand, especially with the latest go-around by the government in trying to deal with the overall management of our forests in the Lands for Life process, that there is great public interest, both in the south and in the north, right across this province, in how our forests are managed.

Probably, being Canadians, we strongly identify with our forests. If we don't work in our forests, a lot of us recreate in our forests. Even if we don't do that and maybe just live in some of our larger urban centres, we look to our forests as a very strong symbol of this country and also as a very strong resource that contributes greatly to our economy. Regardless of where you live in this country or this province, the management of our forests is of paramount concern. We've seen over the years a growing concern by everyone in how our forests are managed.

It is very important that the public have a comfort level with this and that they know that the people who are charged with managing our forests are working at the very highest standards with the very latest skills and professionalism that is available anywhere in the world. That is one of the main reasons for doing this.

#### 1010

The key to meeting this public demand is to increase the accountability of those who manage the forest. This greater accountability can be achieved by extending the reach of the forestry profession to cover all individuals practising forestry, ensuring the educational qualifications and enforcing adequate practice standards for those indiv-



iduals and defining an appropriate scope of practice for them. By vesting the professional body with the licensing power that I call for in this act, these goals can be achieved in a way that demonstrates the government's commitment to accountable forest management in Ontario.

Another reason, and it really relates to the first issue of public concern in this, is the concern that we have the very best standards and the best professional knowledge being applied to our forests. There would be those in society who would comply with the profession and others would call it junk science. A lot of people might have ideas about how they feel the forest should be managed, but what we have to ensure is that the people who have the responsibility and who are charged with this management have the very best scientific knowledge and training to do this, so that junk science doesn't enter into the management of our forests.

Just like in any field, whether it's the justice system or politics, it's not only that the right thing is being done, but the perception that the right thing is being done is very important. That's why establishing a professional organization for foresters would ensure that not only is it getting done but the perception would be that it is being done properly. I think that would alleviate a lot of concern.

A strong, authoritative, self-governing forestry profession is needed to serve as a standard-setter and a referee in the forest management debate. Without such an honest broker, there is a risk that the public dialogue over Ontario's forests could degenerate into a battle of junk science issuing from competing interests. I believe that's a very important reason why this legislation should proceed, and I would encourage members to support it.

The third reason, and I talked about this at the beginning of my opening remarks today, is that there is a very large, changing role in how our forests are managed. This is the third and the fastest moving trend that points towards the need for a very strong forestry profession, and that is this changing role of the provincial government.

Throughout the industrialized world, governments are shifting towards the role of "steering, not rowing." I recognize this quote by Osborne from his book *Reinventing Government*. In the old days government basically did everything, especially in the Ministry of Natural Resources. It was a hands-on ministry, for sure. It not only managed the forests, it actively, with thousands of employees, did much of the work that today is being done by the forestry companies themselves.

In my area, in Timiskaming, forest co-operatives and federations, forest companies that are not on such a large scale and some of our largest producers, come together and hire professional foresters to manage the forest they cut. They work this in agreement, and with this there are many advantages. There are economies of scale in working together with one good team of foresters. The other thing that's important about this is that the companies are working together and you get a very good, rational distribution of wood fibre supply, so that you don't have large roundwood going to a plant that's just going to chip it up to make particleboard, for example. It's important to

have good coordination, and certainly a lot of this is working very well.

With this, the public should know that these new entities, such as the Timiskaming Forestry Alliance, are personed by professional, first-rate foresters, and with this designation, the public could be assured that the very best science, the very best professionalism is being applied to the local forests.

This is why a licensing program within the profession would give this assurance to people that the profession has licensed its people, that professional foresters that are licensed in Ontario have the very highest credentials to manage Ontario's forests.

Again, I am very pleased to bring this bill forward. I certainly hope the members of the Legislature will support this, especially today, to allow it to move on. I'm certainly willing to work with the government if you want this to go to committee maybe in the next stage or go to third reading, whatever the government would like to do. This, as you know, is a non-partisan bill, and I do this in the interests of professional forestry in this province.

**Ms Shelley Martel (Sudbury East):** It's a pleasure for me to participate in the debate today and to indicate that members of our caucus will be supporting the passage of second reading of Bill 71 today, An Act respecting the regulation of the practice of Professional Forestry.

I commend the member for Timiskaming for bringing this forward, although I would have hoped the government would have done that, because I think the Ministry of Natural Resources in particular, specifically the minister, could use some good news these days, and this would have been it. However, it appears that the government agenda is full with other things and so a private member has been asked and has agreed to bring it forward, and I would like to thank Mr Ramsay for doing that.

It is an important piece of legislation. There has been a tremendous amount of work that has gone on to getting us here today to second reading. It would be a shame if we missed this opportunity to allow foresters to move to what is a logical next step, that is, to be self-regulating, to have the association have the ability to license, to deal with disciplinary measures, licensing measures etc. So we really have a tremendous opportunity here, and I do hope that other members in the assembly today will pass second reading and we can either deal with committee or move directly to third reading.

I have, over at least the last two years, probably a little bit longer, been watching the progress of this project with a great deal of interest. I'm sure that a number of members, including myself, receive the newsletter that goes out from the Ontario Professional Foresters Association called the Professional Forester. I receive it mainly in the capacity of critic for MNR for the NDP.

But in any event, as early as April 1996 there was a notice under committees that said very clearly that a licensing committee had been formed. As a result of discussions and views that came up at the annual meeting in February with respect to licensing and reopening that issue and the need to look at licensing again, particularly in light of the shift of the management of forest responsi-

bilities from government to industry, it was clear that members of the profession thought this issue needed to be raised again. Work had been done in the past, but this time there was clearly a determination that some move had to be made, there had to be legislation that would allow for regulation, allow for certification, allow for the association to do that.

So as early as April 1996 the foresters association created a licensing committee and asked its members to have the mandate to explore the merits of licensing. Draft terms of reference were developed at that time. Tasks were set out for that particular calendar year to define what licensing would mean, to review how licensing was applied in other provincial and federal jurisdictions, to look at the pros and cons and to develop a position paper.

As I followed it through, in the next newsletter, in July 1996, there was a second article, which again talked about the committee being formed, repeated what the terms of reference were, looked at what the tasks were that had been set down and asked for members of the association, both active and retired, to begin to provide their input into this very important issue.

It seems that as the months passed and as the work progressed, the space dedicated in the Professional Forester to a look at the licensing issue became greater and greater. Almost two years after the day that a committee had actually been struck, in April 1998, there was a very large segment of the newsletter dedicated to all of the work that had been done and a summary of all the decisions that had been made by the association over that two-year period to look at this licensing issue.

It is safe to say that the bill that is before us has the overwhelming support of professional foresters in this province, and two thirds of them are members of the Ontario Professional Foresters Association. Clearly, the association was given a direct mandate to put together a draft bill, to present that to the government and to try to work with this government to have that brought through as a government piece of legislation.

**1020**

If you look, for example, at the public consultation that occurred with members, it was very extensive. Beginning in the fall of 1996, the licensing committee that had been established researched, developed and distributed to all members three discussion papers about this issue.

Articles on licensing and self-regulation were in the next four issues of the association's newsletter. That carried them over the next year.

The association sponsored a workshop on the standards of practice at Lakehead University.

At the February 1997 annual meeting, there were speakers and discussions on the licensing of foresters in Ontario and how licensing worked in other jurisdictions. There were almost 200 members who attended 14 meetings that were held on this issue in different communities across the province.

Members then also were asked to fax in to the licensing committee or the director any questions, concerns or comments they had, and that was done on a regular basis.

Finally then, in June 1997, there was a vote of the members on whether or not the association should proceed to licensing, and clearly there was an overwhelming majority who supported that need and supported the movement forward to a draft bill. There were 861 registered professional foresters who were eligible to vote; 65.5% returned their ballots and, of those, 80.8% voted yes. So it was clear that council had a very strong mandate to proceed to a draft bill and to proceed with discussions with this government about licensing and certification.

It's also fair to say that the association has done a tremendous amount of work to talk to other non-governmental organizations who have an interest in forestry, and consultation documents and letters were sent to almost 70 of those to outline what the association was doing, to ask for input, comments, to raise questions or concerns. A number of those 70 organizations did reply.

There were also fairly extensive consultations undertaken during the summer and this fall with MPPs so that MPPs could be aware of why the association wanted to move in the direction that it did and why it would be a good public policy issue for foresters to be licensed in Ontario.

So it's safe to say that there has been very extensive consultation. It has occurred over a two-year period. Many of the concerns that had been raised have been dealt with. People who would have an interest have been spoken to. We are here today with a very solid mandate from the members that this is the direction in which they want to move and that is why they are asking for support for this bill today.

It's important to look again at why it is necessary, why it is important, and why the opportunity now exists for Ontario to move towards licensing of professional foresters. If you take a look at what has happened in this province over the last number of years, there have been many professional groups who have felt that in the best interests of the public and in the best interests of maintaining high standards in their particular profession, the best thing that could happen would be for their own association to be self-regulating, to have the power to license, to have the power to discipline, to have the power to set accreditation standards and educational standards.

If you look during the early 1990s at what happened in the health care profession, some 22 health care professional bodies were regulated under our NDP government at that time, and that followed a process that had begun 10 years before we got here. If you look at what happened to midwifery in the time that we were the government, the same thing happened: accreditation, licensing, discipline, all of that occurred.

We are at a stage now where, frankly, in a de facto sort of way, the government has already moved to that. Under the old Crown Timber Act, registered professional foresters did have to sign forest management plans. When we made changes and brought in the Crown Forest Sustainability Act, we too required that registered professional foresters had to be a very important part of the development of those forest management plans, and there are sign-off conditions attached to that legislation as well.



If you look at the recommendations of the class environmental assessment on timber management, the board members there also recommended that registered professional foresters have a much greater role to play in the development of forest management plans.

We have seen gradually, in the profession itself but also through legislation that affected the Ministry of Natural Resources and, de facto, affected foresters in the province, a move to certainly increase accreditation, increase standards, increase obligations. What we see now in terms of the request before us for licensing is a logical conclusion to all of the things that have already happened.

I also think we have clearly seen in this province a dramatic shift — and that has become very clear in the last two years in particular — of forest management responsibilities from government, from the Ministry of Natural Resources, directly on to industry. Clearly that is a trend that is going to continue in this province, and I think clearly there flows from that a public concern about how our forests are being managed. We have to remember that forestry resources are public resources. How we manage them in a sustainable way now and in the future is important not only to Ontario's economy, but it's exceptionally important to the thousands and thousands of people out there who are employed in this industry in any number of our communities across the province.

The public needs to be sure that the best interests of the forests are being met — not the best interests of employers, not the best interests of forestry companies, not the best interests of other user groups of the forest, but that the public interest must be met all of the time if we are going to guarantee a sustainable resource in the future.

I think the Ontario Professional Foresters Association is well positioned to play that role for the public. This is an association, it is true, that was incorporated by an act of this government in 1957, but it is an association that has always maintained high standard with respect to forest management. It has had a soft certification process, it is true, but one that did involve disciplinary measures and removal of that certificate to practise. It has always maintained very high standards with respect to education. It has had a code of practice and a code of ethics, and it has been for a very long time now in a very good position to ensure the public that the work that is undertaken, the forestry services that are provided, is of the highest calibre, the highest quality.

But we need to go one step beyond, and that has to do with the licensing, because the licensing itself will be one more proof that in fact professional foresters take their responsibilities very seriously and understand that if they do not do their work with the highest quality, protecting the public interest, then they will lose their licence to practise, and many of them would then lose all hope of employment in this province in particular. That is a very strong deterrent for anyone who doesn't want to practise safe forest management or proper forest management, who doesn't want to deal with sustainability, who doesn't want to deal with the best public interest of the forest and timber values and timber use.

So it is a very strong motivating factor, and one that the association obviously wants to have in its possession, to guarantee to the public very clearly that anyone who practises in this province is certified, has to follow a particular code of practice, has to follow a particular scope of practice, and will have a designation as a registered professional forester that flows from both work experience and educational experience that is common to all. For all of these reasons, it will give the public a greater sense of surety and security that the forest is being managed well on their behalf by these individuals.

It is clear that we had some concerns originally when we were approached by the association in two areas in particular, one with respect to how the public would be able to participate in the association and in its regulatory bodies. We know that in a number of the other professions that have been regulated over the last number of years there has been a method for public input and public participation. Clearly in the bill, as I read through it, I see that in a number of areas there is room for the public to participate. That is essential. They will be participating in the board of directors, on the registration committee, the discipline committee and the complaints committee.

The second concern we had was focused around the issue of grandparenting and how we would deal with those people who wanted to continue to practise or who practised non-forest work but had an association with the forest. Clearly, in the bill, in the bylaws of the council, those issues about different classes of licences and how people will be brought into the fold are all lined out, so we feel confident and comfortable that our concerns have been met.

I want to congratulate the members of the Ontario Professional Foresters Association for their tremendous work over the last two years, and I hope that some who are in the gallery today will see the rest of us pass this at second reading and on to third.

**1030**

**Mr Frank Klees (York-Mackenzie):** I'm pleased to rise today, and I will be supporting the bill by the member for Timiskaming. I want to congratulate him for bringing this matter forward.

It may seem strange that a member from the greater Toronto area would speak to a forestry bill. Very few people realize that there are in fact many acres of forests within the GTA, and specifically York region. We particularly have a concern that that forest is appropriately and professionally managed in the public interest. I, for one, believe that licensing will be in the public interest. What I'm concerned about, and it's why I'm going to suggest this bill go to committee, is that we have an opportunity to refine some of the issues, ensure that it's not overkill and ensure that we don't get involved in over-regulation, but that we have in this bill the necessary parameters to ensure there is a full-fledged profession of forestry that can effectively do its job in this province.

It's a commitment that I believe we as a government, as a province, can make to sound forest management, so I will be supporting this bill. Again, I commend the Ontario

Professional Foresters Association and the member for his work on this.

**Mr Frank Miclash (Kenora):** To begin with, I would as well like to congratulate the member for Timiskaming for bringing this bill forward. It has received nothing but positive support throughout my region of the province in the northwest, in the Kenora-Rainy River area. There has certainly been a great amount of interest in this bill. As you will know, forestry in that region is very important to the economy, and I've heard nothing but this being an excellent idea, a self-regulated profession with not only foresters but public members on the board and on governing committees. We've heard a little bit about how the actual makeup of this would come about. They're talking about the inclusion of the public on committees such as their registration and discipline committee.

As we know, in the northwest forestry affects all of us, not just those in the industry but those who rely on not only the forest products but those areas as well. I'm talking about the various competing interests for the resource area, not particularly the fibre but the area itself, whether it be the angler and hunter interests in the area, whether it be the tourist operator interest, whether it be the environmentalists' interest. These folks all have tremendous interest in the areas we talk about where the forestry practices take place. I'm very happy to see that they too have been considered in terms of the registration of professional foresters.

My riding probably makes up a good portion of the 33 million hectares of productive forests owned by the crown in this province. It probably makes up a good portion as well of the six million hectares of private forests, so again, it's an issue of great interest.

I also have a number of woodlot owners in my area, in the northwest. It's interesting that they rely a lot on the information and the advice given to them by professional foresters. We've noticed that the woodlot owners will continue to be able to look after their own lots on their own, but I'm sure they will also continue to rely on the advice given to them by professional foresters.

We know that the Ontario Professional Foresters Association is behind this bill. They've done a number of publications to support it, and we know of their excellent record and their support for this concept.

The movement of direct delivery of forest management to the companies from the Ministry of Natural Resources is just another reason, which is very evident, why we should be looking at these folks moving into such an organization. We know the Ministry of Natural Resources has dumped or moved over a lot of the responsibility of the management of our forests to these companies, so this can only help in terms of the management of these very important areas.

"Public concern about forests is growing." I take that headline out of a publication by the Ontario Professional Foresters Association. They certainly have noticed the public concern. As we know, "Ontario's Environmental Assessment Board in 1994 ordered greater involvement by the RPFs," registered professional foresters, "in forest

management on crown lands." They go on to say, "Public concern about Ontario's forests has been growing," because, as I indicated earlier, "there are multiple, and often competing, demands on our forests." They certainly recognize that as well.

They go on to talk in their publication about how it's time to license foresters in Ontario, and I would just like to read into the record what they have to say about it. This is from the Professional Forester, their publication. It reads:

"The time has come to license professional foresters in Ontario. With government downsizing, Ontario needs an independent, accountable forestry profession to ensure our forests are managed in the public interest.

"The Ontario Professional Foresters Association needs your support and input to this watershed project. Licensing will significantly improve forestry practices in Ontario and ensure scientifically sound, high-quality standards be applied to all practitioners."

That is something that my constituents will like to hear and will appreciate coming from this association. I cannot say enough about how much they support this.

Another concern that has been brought to my attention, and it also has been addressed, is that of out-of-province foresters. As folks in the northwest will know, we quite often see a good number of foresters coming to us from literally all over the world, whether it be a company that has moved them in from another mill they own or another region they're doing their forestry practices in or whether it be labour coming to us from other provinces. We have a great variety of foresters, be it from Manitoba, British Columbia, Quebec, the east coast, or, as I indicated earlier, even from the States and other countries. When we talk about the out-of-province foresters, they've indicated here, "A class of licence called a special permit will be developed that will enable out-of-province qualified foresters to practise in the province on a one-time basis for a limited period of time." That's another concern that was brought to my attention and one that I think can be laid to rest by the issuing of this special permit. I'm sure there will be many folks in my region who will be happy to know that is being addressed.

In closing, I would just like to congratulate the Ontario Professional Foresters Association. I hope that this bill, with the help of the members in the House, will move onwards, either into committee or even on to third reading.

**Mr Ted Chudleigh (Halton North):** First, let me say that the Ontario Professional Foresters Association is certainly a well known and long-standing association that has an excellent reputation in the province of Ontario. In giving them this authority to institute a peer review and hold their members accountable, certainly you couldn't pick a better association in the province to carry out the kinds of standards and codes that would be put in place under this legislation.

Licensing used as a regulatory tool is something that is perhaps long-standing in Ontario. It is used by a number of groups of professionals, which include organizations such as accountants and engineering, and registered



professional foresters are only one more of that group. This government has implemented other organizations to carry out these functions within their industries, which includes the travel agents of Ontario, the auto dealers association, along with others, including, I believe, the funeral directors in Ontario. As a regulatory tool, it's in the public's best interests to have these kinds of associations because it doesn't require any government funding or any government involvement, as the public sector is part of the governing agency, part of the association and part of the control which is implemented on the various associations.

1040

Specifically in this piece of legislation, licensing will not prevent owners of private woodlots from managing their own forests. I think that's a very important part of this legislation, in that it's non-intrusive. However, if someone who has a private forest does want to create a forest management plan and they deal with a professional forester, they will have the assurance that the person they are dealing with will be qualified to give his opinion on where that goes.

This also has had a large number of regional meetings. I believe 15 were held across the province in the spring of 1997. I believe there were well over 200 people who attended those meetings. The membership of the Ontario Professional Foresters Association has been surveyed and in that survey I believe over 60% of the ballots were returned. Of those returned, there was over 80% support for this type of professional association in Ontario. So I believe the public is being well served by this. It'll give me some pleasure to support this bill, although we'd like to see it go to committee so that it can be merged with the other legislation that we've done in this area.

**Mr Michael A. Brown (Algoma-Manitoulin):** The first thing we should do here is commend the member for Timiskaming for bringing this bill forward this morning. It's a bill that's overdue. It's a bill that should have come forward sooner. I think the member for Sudbury East alluded to the history of the registered foresters in the province and the various government bodies that had recommended a stronger role.

Some of the comments from the other side disturb me just slightly. I know they weren't meant to. One of the things we often do around here is pass, on second reading, legislation such as this and never get to third reading. I presume, from what I've heard on the other side of the Legislature, that they intend fully to support this bill. But that's all very nice if we don't actually get to third reading. I suggest there's no reason we couldn't do the committee hearings this fall, and before we break for Christmas have this piece of legislation put in place so that we will be able to deal with it and get on with life.

The public has to understand there are a number of reasons why the profession needs to be licensed at this point, and they kind of come through a history. One of those would be the Crown Forest Sustainability Act passed by Mr Hampton and Mr Wildman, which privatized the management of all the crown forests in Ontario,

at least all of those below 50, I believe. When we have privatized that, and at the same time gutted MNR, we no longer have the foresters in MNR who used to prepare these plans. We no longer have a sufficient staff of foresters within MNR to go over each and every plan as carefully.

We know the horror stories coming out of the Ministry of Natural Resources because the auditor has just reported about some of the absolutely outstanding boondoggles of the Ministry of Natural Resources over recent years: the fact that they somehow can't account for \$4.5 million in the wildlife trust, and somehow have \$800,000 of travel expenses they can't account for, and it goes on. People should have a look at the auditor's report on MNR and you would know what the government's actions over the last few years have done to a ministry that was proud and has a lot of good people but has not had the tools to manage Ontario's assets as they should.

The second thing every member should know, particularly the rural members, is that the change from what used to be the managed forest tax rebate to a change in assessment has also provided the public with a huge incentive to manage private woodlots and to qualify under this act by means of filing a managed forest plan. The public needs to know who it is who has the expertise. Who is it who can legitimately offer them advice on these plans? In my constituency, where we have a large amount of private land, there too is an interest by the general public in having good advice on how to manage their woodlots. There is a real need for them to know and for the Ministry of Natural Resources to know what is a managed forest and who the professionals are who can provide the advice on how to manage their particular woodlot or forest in a reasonable way. The demand for the services and the demand to know who can provide these services so the public can have confidence in them, and the government have confidence, is probably — well, not probably — it is at an all-time high in Ontario.

I've had some chats with some professional foresters in my area. My friend and neighbour John Christian, for example, well known throughout MNR and well known to a number of people in this Legislature, has talked to me on a number of occasions about this bill. It's very clear, from John's point of view, that this bill needs to move very quickly through the Legislature. I think the government has understood this. I'm kind of surprised that the government, in privatizing many of these functions, did not recognize this sooner. Nevertheless, I understand from the goodwill across here that we will be moving very rapidly to have this bill through this Legislature by Christmas-time. I see no problem with that. Certainly from our side of the House we are very supportive.

My colleagues have canvassed most of the forest issues. I also wanted to talk about the SFL process, which is culminating in my riding. The operators on the Spanish and Mississagi crown units are signing right now — I think last Friday, actually — agreements with Northshore Forest Inc in order that those former crown units will be managed by professional foresters privately, by a

company that provides the services to all those people who are presently operating on those lands.

There's been a tremendous amount of controversy. The process is being worked through. I have a fax in my office saying there are still some problems, but by and large, an operator told me just last week that they would all be signing the SFL. What that means to the public is that there will be one body across the entire region providing the management operational plans for these woodlots. That is very significant. Ontario needs to have those plans managed and has to have them managed in a way that the public can have confidence in. That's why it is so important at this point in the game to move forward with the licensing of professional foresters so we do have the confidence.

At this time I'll conclude my remarks. I hope the government will move quickly with this legislation.

**Mr James J. Bradley (St Catharines):** In the few seconds left, let me say that there have been several demonstrations out in front of this building about the future of forestry in this province. I want to ensure that we have a forestry industry and also that we have protected large tracts of land for park purposes and for the enjoyment of the people of this province. I hope this bill will assist in that regard.

**1050**

**Mr Bill Grimmett (Muskoka-Georgian Bay):** I'm delighted to take part in the debate on Bill 71. I'd like to say at the outset that I commend the member for Timiskaming for bringing forward the legislation. There is a significant amount of interest in my riding in Muskoka-Georgian Bay in this type of legislation and in any type of activity at the government level regarding the forest industry.

I also want to make the point that it is a delight to participate in and listen to a debate where all the speakers have knowledge of the subject and are engaged in talking about the subject at hand. Certainly today we've heard, from all members who have spoken on the subject, a good deal of expertise in the area of forest management. I listened with great attention to the member for Sudbury East, who I thought provided an excellent summary of the history of forest management regulation in Ontario and provided a very compelling argument for supporting the bill.

I will say at the outset that I will be supporting the bill, but with some reservations. I think it should go to committee. That is not a delaying tactic on my part or on behalf of my constituents. But there are some issues that need to be discussed in committee. I'd like to raise some of them now and perhaps I'll have an opportunity at committee, if it goes to committee, to further explore them.

Along with the public interest in good forest management and in making sure that government regulation is not overly cumbersome, there are also private interests that have to be respected and considered when we look at this type of legislation. When you look particularly at section 13 in the bill — I'll just read it because it's brief — "No person shall engage in or hold himself, herself or itself out

as able to engage in the practice of professional forestry unless the person holds a certificate of registration issued by the association."

That is a critical issue in the debate. We are talking about a piece of legislation that will limit participation in the forestry profession. The people who currently are involved in that activity and are not members of the association or are not what this legislation would consider professionals have an interest in being heard in this debate, and they should have an opportunity to speak at committee as to their concerns or whether it's all right for them. It could well be that they will support the legislation.

In my riding, the small operators in the lumber industry, those people who have one-person or maybe two-person operations — despite the fact, as the member for Timiskaming has said quite eloquently, that government now is more in the steering process with respect to forestry than in the rowing process — see a replacement of red tape within the industry. We have to make sure that all people in the industry and small farmers, people who are really never represented by lobbyists, are heard, that their interests are heard.

I think of Harry Truman, who when he had a meeting with lobbyists, at the end of the meeting said to them, "Gentlemen, you should be aware that I also have an interest and a responsibility to represent those people who don't have lobbyists." That certainly is something we have to keep in mind when we're speaking about this kind of legislation.

I want to make the point that, going around to summer and fall fairs in my riding, there is usually a spot at the fall fair where they have old photographs. When I go to these fall fairs, I look at the photographs. They're photographs of Bracebridge or Gravenhurst or Huntsville at the turn of the century. It's interesting to see that there are no trees in any of these pictures. In my riding now there is an abundance of trees, there are lots of trees. I think it's part of a trend. We are more cognizant of the need to preserve the forest. I think there will be an increasing amount of forest in the future. The member for York-Mackenzie made the very good point that this is not a northern Ontario issue. It's an issue that goes through the whole of the province. There is more and more interest in preserving trees and preserving the forest, so there is I think more and more need for public debate to include discussions about how every individual is affected by this type of regulation.

In conclusion, I just wanted to say again that I'm supporting the legislation but I feel it should go to committee. There are concerns about over-regulation, there are concerns about limiting membership in the profession, and those all have to be addressed before the legislation proceeds.

**Mr Doug Galt (Northumberland):** It's a pleasure to be able to speak on this bill and the Ontario Professional Foresters Association and what they want to accomplish.

I was interested in the comments from the member for Algoma-Manitoulin, who is concerned that this might not



get very far, that it might be passed here today and not go to committee. I can assure him that I'm certainly enthusiastically supporting the bill, not only in the vote today but also to go to committee. I have a reservation and I will mention that in a few minutes. I would have some difficulty in third reading if that particular issue were not recognized.

I think it's interesting, the member for Timiskaming introducing this, recognizing that government is now here to be steering and not the old process of rowing. It's obvious he's read the book *Reinventing Government*, or at least he's copying some of the statements from it. That is indeed the direction: the restructuring of government. Some 98% of the countries around the world are now restructuring their governments with that intent in mind.

Compliments to the Professional Foresters Association for their very professional lobbying approach to bringing this bill forward. They did not use partisan politics. They've approached members on both sides of the House. David Curtis came to me. He's a professional forester and a lawyer from my riding who lives in Brighton. I think we also have some very famous foresters like Bob Carman, who is secretary of cabinet. His father, who has passed away, was also a professional forester and lived less than a kilometre from where I live in Northumberland — two exemplary men in our society.

I'd like to just draw a few comparisons with some of the other professions that are self-regulating: engineers, for example. We really don't tell engineers how to design and build bridges. There are all kinds of self-regulating people in the various colleges of medicine. I think there are 13 or 14 there. We just recently passed a bill that teaching would be a self-regulating profession. I think when you develop a self-regulating bill or act, that group becomes a profession. I think of my own profession of veterinarians, which is also a self-regulating body.

This brings me to my area of concern because, as I read the bill, it appears that the lobby group, the current professional association, will also be the licensing body. That, to me, is a conflict of interest. I don't think it's wise to have your lobby group also the licensing body. If that is the way it is when we get to third reading, I would have to vote against it.

I've talked to some of the foresters. I think maybe they appreciate this particular problem, that it needs to be separated out, that those who are going to be self-regulating, those who are going to look after that activity, including those who would be appointed by the Lieutenant Governor, have a different role from the group that would be the lobby group.

I know it's a small organization, and to split it up and have two different bodies might be cumbersome for them. They have close to 1,000 who are presently registered. But I think it would operate in a much better way if they were separated out and they had the self-regulating body and called it a college or professional foresters of Ontario or whatever name they would give to it — it would have a specific responsibility to ensure that their membership paid attention, came up to the standards — and then have

the other group that could lobby on their behalf and do so in the very professional way they have in the past in bringing this one forward. It's very logical that their association would lobby to bring this forward.

I think this group has a big responsibility in the future. Some of it has been alluded to: the change in government and those responsibilities. But there is another area and that relates to, as we've been bringing in over the 20, 25, maybe 30 years, high-yield agriculture. We're producing far more grains, far more crops on less acreage. The marginal lands of Ontario and Canada and probably the world are really returning to forests. Certainly the area that I'm familiar with in Northumberland, and particularly east of there as you approach the Shield, tremendous tracts of land that used to be cultivated are no longer meeting with the plow. This is certainly a pressure in the future for foresters.

Time is running out. I can enthusiastically support this on second reading. One major change needs to occur prior to me voting in favour of it on third reading.

**1100**

**The Acting Speaker:** Member for Timiskaming, two minutes.

**Mr Ramsay:** I'd like to thank all the members of the Legislature who partook in the debate today. I very much appreciate your encouragement and support that this piece of legislation should move on to committee stage. I accept that advice and recommendation and after a voice vote at 12 I certainly will be asking for that referral so that we can deal with some of the concerns that members have expressed here today. Again, I thank all who have partaken in this debate.

Just to reiterate, this legislation will mean that only qualified persons with the appropriate professional designation will be allowed to practise forestry and call themselves professional foresters. Through this, the public will have assurance that the foresters who are managing our forests are properly qualified and will do work that meets an approved and professional standard.

I'd like to say that in proposing this law, I believe that Ontario forests must be managed to the highest possible standards. Sustainability and environmental benefits can only be achieved by using the best available science, practised by professionals of the highest calibre. Since, as we've said before, the government is moving to direct delivery of forest management and increasing the responsibility for forest management by the forest companies, professional foresters will be held very much accountable for their decisions and actions not only to their employers, but to the professional association itself.

This legislation proposes that the public be represented in the management of the foresters' association. There will be public members on the board of directors and on some of the key governing committees, such as registration and discipline.

In summary, with the passage of this legislation I believe Ontario will have a truly independent, scientifically sound, and fully accountable forestry profession as a partner in protecting Ontario forests' estate.

**The Acting Speaker:** The time for the first ballot item has expired.

### TAXATION

**Ms Marilyn Mushinski (Scarborough-Ellesmere):** I move that, in the opinion of this House, the government should introduce a further middle-class tax cut.

**The Acting Speaker (Mr Gilles E. Morin):** Pursuant to standing order 95(c)(i), the member has 10 minutes for her presentation.

**Ms Mushinski:** It is my pleasure to introduce a private member's resolution today that, in the opinion of this House, the government should introduce a further personal income tax cut for middle-income taxpayers.

The reasons for this motion are clear. There is no doubt that tax cuts stimulate job growth and, as a result, the economy in general. Since our government's tax cuts began, almost half of the new jobs created in Canada have been in this province. Over 400,000 jobs have been created in Ontario since September 1995.

Under the previous two governments, during the early to mid-1990s, Ontario lost jobs while the rest of Canada gained jobs.

In fact, from 1985 to 1995, previous governments increased every kind —

**Mr Gilles Bisson (Cochrane South):** On a point of order, Mr Speaker: I believe we don't have a quorum.

**The Acting Speaker:** Would you please check if we have quorum.

**Clerk at the Table (Mr Todd Decker):** A quorum is not present, Speaker.

*The Acting Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Acting Speaker:** Member for Scarborough-Ellesmere.

**Ms Mushinski:** As I was saying, under the previous two governments during the early to mid-1990s, Ontario lost jobs while the rest of Canada gained jobs.

From 1985 to 1995, previous governments increased every kind of tax imaginable: the personal income tax, corporations tax, retail sales tax, gasoline tax and all the so-called sin taxes, just to name a few. I won't even mention commercial concentration tax and what that did to the city of Toronto. In all, those governments raised taxes 65 times over that 10-year period. They even gave us a new tax. It was called the employer health tax. In 1988, under the Liberals, the sales tax rate increased from 7% to 8%, adding another \$850 million a year to Ontarians' tax burden, about one third of which was paid for by business. In 1990, under the same government, OHIP premiums were replaced by the employer health tax, which was a new payroll tax. This tax raised over \$2 billion a year, but the net impact on business was a job-killing \$553 million annually. Both the NDP and the Liberals were instrumental in increasing gasoline and fuel taxes, which raised about \$1 billion.

This government wants to support individuals and businesses in Ontario. We don't want to cripple them with continuing onerous tax burdens. As we announced in the 1998 budget, over the next eight years the corporate income tax rate for small business will be cut in half, to 4.75%, which is the lowest rate in all of Canada. This will benefit some 90,000 small businesses. This government also announced in the 1996 budget a three-year plan to exempt the first \$400,000 of payroll from the employer health tax by 1999. In this year's budget we announced that we would accelerate the final phase of this exception.

We also want to let hard-working Ontarians keep more of the money that they earn. We think we have shown that by phasing in our promised 30% tax cut way ahead of schedule. In fact, 90% of Ontario taxpayers will be getting a tax cut of 30% or more. This government is giving extra tax cuts to modest-income taxpayers through adjustments to the Ontario tax reduction program. Some 70,000 taxpayers will have their Ontario personal income taxes eliminated and an additional 290,000 will have their income tax reduced by more than 30%.

### 1110

We believe that further tax cuts for the middle-income earners, who represent the largest group of taxpayers, will further boost our economy and put more money back into the pockets of average Ontarians. The data is in and the information is clear: High taxes are bad for the economy. High taxes stifle job growth. High taxes reduce consumer spending. This government will not repeat history. Since we came into power, we have delivered on our promise to cut taxes. In fact, since 1996 we have done so 66 times. We're also working towards supporting employers with two new strategic tax incentives: the workplace child care incentive, announced in 1997, and the workplace accessibility tax incentive, announced in the 1998 budget.

Economic studies have almost universally found substantial short-run and long-run benefits from tax cuts. Our government knows that reducing taxes provides a direct stimulus to consumer spending and creates jobs. The old tax-and-spend ways of government was crippling Ontario. The people told us that things had to be done differently to create a stable and prosperous economic climate in Ontario. They told us to restructure a government that was inefficient and had grown too large. They told us to lower taxes. They told us to reduce the deficit.

We made a plan and set out a program of steady deficit reduction and tax cuts. Each year, we have beaten our target. We are well on track to eliminating the deficit by the year 2000-01. We have kept our promises to reduce taxes for individuals and for businesses. Our policies have brought about economic growth and job creation well above the Canadian average. Consumer confidence in Ontario is growing faster than in the rest of Canada.

Previous administrations in Ontario raised taxes repeatedly and the deficit grew in spite of that. We have shown that it is possible to cut taxes and reduce the deficit at the same time. The benefits of the tax cuts are clear. By offering further tax relief to middle-income earners we can leave more dollars where they belong: in the pockets of



the hard-working citizens who earned those dollars in the first place. This is another way that we are acting on our commitment to make Ontario one of the best places in the world in which to live, work and invest.

**Mr Tony Silipo (Dovercourt):** I'm glad to have the chance to speak to this resolution today and to indicate why I will not be supporting it. I listened very carefully to Mrs Mushinski in her presentation and actually was interested in whether hers would simply be a defence of her government's record, which I certainly expected to see, but also why and how she would justify the way in which she has worded this particular resolution. Is it an admission that her government's policies have not been working as they relate to the middle class, or is she simply, as I think she was trying to claim, suggesting that this would be a logical extension, from her perspective, of what they have been doing?

The interesting thing is that when you look at what the tax cut is doing, we have pointed out time and time again, and indeed others outside this House have pointed out, that one of the things we are seeing come about as a result of the fiscal policies of the Mike Harris government, which of course as you know has as its central thrust the 30% income tax cut, is that the gap between the richest citizens in our province and the poorest citizens in our province widen to the point where a study that was just released a couple of weeks ago called *The Growing Gap: A Report on Growing Inequality between the Rich and Poor in Canada*, by Armine Yalnizyan for the Centre for Social Justice, points out that if you look at the situation in 1996, which is the last year for which figures were available for this study, the richest families made 314 times as much as the poorest families in Canada, but I think a lot of that can be extrapolated to Ontario. I see nothing in what the Mike Harris government has done or in this resolution that's going to assist to change that around.

We know that a good indicator of how well our society is doing is when we are able to reduce the gap between the richest citizens and the poorest citizens. I am astounded that a member of the Tory party could stand here — if they want to defend their government's record, that's fine, but I hope they realize that by virtue of this very resolution they are admitting that their own policies are not working. Why? For a couple of reasons. First and foremost, they have been trumpeting this notion that tax cuts create jobs. Their own job numbers show that the jobs are not being put into place to the extent that they said they were going to, so that isn't working.

We are seeing service after service that has to be cut in order for the Mike Harris government to find the money they need to be able to pay for the tax cut. This talks about middle-class taxpayers. I'm not sure how Ms Mushinski defines middle-class taxpayers — I listened and I thought we might get some sense of that — but I can tell you that many people in my own community and in communities across this province, but I'm seeing this in a very big way in my own community, who would categorize themselves as generally middle-class taxpayers are saying to me and are saying to this government if it would only listen that

they don't particularly care for their income tax cut, because they would rather see their schools stay open, they would rather see their hospitals and other health services continue to be there than see the very small benefit that they might get from this tax cut.

You know what? As they begin to do the numbers, they realize that there isn't really much benefit. Because at the same time as Mike Harris is cutting income tax by 30%, they forget to tell people, they conveniently pretend that people are not going to notice, that they've also pushed a lot of the costs on to the property tax system, and so property taxes are going up for the middle class, low income, seniors and for many others across this province. They conveniently forget to tell people that in fact it's by taking money out of our health care system, it's by taking money out of our school system that the money is being found to pay for this tax cut. At the end of the day, families, middle class and working class across the whole sphere, are paying more, unless of course you happen to be in the top range, and I want to come back to that.

What are people seeing? They are seeing higher user fees, they are seeing higher property taxes, they're seeing higher tuition fees if they're trying to send their children to post-secondary education. That's the result. They're not seeing the jobs. Yes, the economy is growing, and we're all happy that it's growing, but we also know that we are still living through a fairly uncertain time. Find me two economists, chosen at random, who will agree as to what the economic situation is going to be in this province and in this country over the next two to three years. It just isn't there. For people to come forward and say, "The solution to all of our problems is a further middle-class tax cut," I'm sorry, it just will not wash, and I for one will not support it.

The impact of the tax cuts so far has not provided any great benefit to middle-class and low-income people in this province. When you look at the fact that 60% of Ontarians make less than \$38,000, even if you go up into what I guess traditionally might be considered to be middle-class income, you're talking about people between \$45,000 and, say, \$76,000, being 23% of taxpayers, that category of taxpayer is not seeing any huge benefit from Mike Harris's tax cuts. Interestingly enough, the 6% who are at the top end, or if you want to go further up, it's indeed the 3% making over \$100,000 who are getting over \$1 billion worth of the tax cut. They may be the ones who are seeing a positive at the end of the day when they do their numbers, but for middle-class families, for working-class families, what they are seeing is less in the way of service and indeed, at the end of the day, more that they are paying out for fewer services. That's the Mike Harris reality.

1120

What people out there are telling me is that they would rather see their schools stay open; they would rather know that they have a hospital that's functioning when they have an emergency; they would rather know that there are services in our health care system they can call upon and rely upon, than to simply be caught in this kind of cycle

the Harris government wants to spin that the answer is all magically in cutting taxes. The taxes are what pay for the services that we want to have in this province.

I don't know what kind of world the Tory members are living in, but the kind of world I and my constituents live in tells me that they want to see, yes, good fiscal management of public funds, but they want, first and foremost, to know that the services that have made Ontario and Canada the best place in the world to live continue to be there. In the Mike Harris world, those are the services that are disappearing, whether it's in health care, whether it's in social services, whether it's in the school system, as we are seeing now in a very big way.

I say to Mrs Mushinski and any of the other Tory members, who undoubtedly will support this motion, you can continue to spin your rhetoric, but people out there are understanding the reality of what you're doing, and the reality is not answered by a simplistic notion of cutting taxes; it's answered by providing the services people need.

**Mr Terence H. Young (Halton Centre):** I rise today to speak in support of the private member's resolution, "That, in the opinion of this House, the government should introduce a further middle-class tax cut."

Ontario leads the way in tax cuts. In 1998 the broad-based Ontario income tax cut will provide five times more in tax reductions than the selective cuts made by the federal government. The Ontario tax reductions mean more relief for more people.

As indicated by my colleague, our government has announced 66 tax cuts since 1996, one more than the number of tax increases by the previous two governments in 10 years; 66 tax cuts over the past three years that have been effective in boosting our economy and nurturing the creation of new jobs.

To stimulate employment, we've introduced the Ontario new technology tax incentive, the Business Research Institute tax credit, a capital tax deduction for research and development expenditures, a co-operative education tax credit, the graduate transitions tax credit, the Ontario computer animation and special effects tax credit, the film production services tax credit and an interactive digital media tax credit.

To help individuals, we've cut personal income taxes five times.

We've also introduced the Ontario child care tax incentive; the workplace child care tax incentive; expanded criteria for a retail sales tax exemption for the purchase of vehicles to transport people with permanent physical disabilities; made two enhancements to the Ontario tax reduction; made three cuts to the self-employed employer health care tax; and announced the workplace accessibility tax incentive.

In addition, we have cut the small business corporate income tax nine times, the employer health tax three times, the commercial and industrial education property tax eight times and selective retail sales tax reductions seven times.

Tax credits for business have been announced for racetracks, Ontario sound recording, Ontario film and television and Ontario book publishing. It's an impressive

list, and it adds up to more money in the individual's pocket, tax relief for businesses and a major boost for job creation in Ontario.

Many economic studies worldwide have found substantial short-term and long-term benefits from tax cuts. They provide a direct stimulus to consumer spending and create more jobs by making the business sector more dynamic. When business owners are allowed to keep more of the money they earn, they expand their businesses and they hire more people. Every time someone uses their tax cut, they're helping to build a prosperous Ontario. They're helping to build the brightest possible future for our children.

We've said all along that a tax cut for every Ontario taxpayer is the best job creation program, and the Ontario economy has produced more than 400,000 net new private sector jobs since 1995. That's 48.6% of the total new jobs in all of Canada right here in Ontario. In the past 18 months, 53% of the private sector job creation Canada-wide has been in Ontario, even though Ontario has only 38% of Canada's population. Meaningful and lasting jobs, jobs that grow, are created by the private sector.

Governments can help by establishing an environment that supports job creation by cutting taxes, reducing the deficit and eliminating red tape. The government of Ontario is doing just that. Tax cuts help the economy grow by supporting the entrepreneurial spirit in this province that frankly was stifled by the two previous governments, that were trying to do too much at a cost nobody could afford.

Clearly, letting people who earn the money in the first place keep and spend more of it is fuelling growth and investment and helping the economy create jobs in record numbers across this province. We want to continue to leave more money in the hands of hard-working Ontarians, who have endured 65 tax increases in the previous decade. Most of the tax cuts will go to the nearly three million middle-income taxpayers. Taxpayers earning between \$25,000 and \$75,000 will receive 64%, or almost \$3 billion, in savings from the tax cut every year.

With this private member's resolution, we are committed to taking further action to provide tax relief for Ontarians and to foster job creation. Tax cuts don't just create opportunities. They ensure a quality of life that allows all Ontarians to take advantage of new opportunities today and in the future.

**1130**

**Mr Gerry Phillips (Scarborough-Agincourt):** I'm pleased to join the debate on this tax resolution to say that I think the public has to weigh the costs of this commitment. The people of Ontario are now recognizing the price they're paying for Mike Harris's fiscal plan.

First, property taxes: The government dumped, downloaded \$600 million of extra costs on to property taxes. That is a fact. The government admitted it: \$600 million. So when people across the province now are seeing their tax bills, they say, "Mike gave me a tax cut on my income but I'm paying for it here in my property taxes" — particularly, I might add, for small business. Small busi-



ness has been hammered by them on the property tax issue. As I said, \$600 million dumped on to property taxes.

I always say to my business friends: "Do you know where this money for the tax cut is coming from? Take a look at the budget." Mike Harris has added \$22 billion to the debt of the province. When he became Premier, the debt of the province was \$88 billion. According to his numbers, it's \$110 billion right now. It took us 125 years of our history to get to that number, but Harris has added \$22 billion in four years. So I say to my business friends, Harris has had to borrow every penny of the tax cut. The tax cut has cost roughly \$10 billion in lost revenue. Every penny we've had to go out and borrow. The interest we're paying just for the tax cut each year is about \$400 million. Yes, you say to the public, "There's a nice tax cut for you." Where did the money for it come from? We went out and borrowed it. I know from my experience in business that it's normally not wise to borrow money to pay yourself a dividend; normally, it's wise to get your fiscal house in order. But every penny is borrowed money.

Look at the numbers on the job front. Mike Harris right now is 75,000 jobs behind his target. He said when he ran, "My plan will create 725,000 jobs." That's what Mike Harris said. By the way, I would never have said that. I don't think governments create jobs, but Mike Harris said, "My plan will create 725,000 jobs." Right now, today, he is 75,000 jobs behind his target. I guarantee that that will be an issue in the campaign, because that was a broken promise — among others. He promised, "I will not close hospitals," and then yesterday, of course, he said: "I'm sorry. I was wrong. I know I promised I would not close hospitals." Just yesterday he went down to the OHA and said: "I was wrong. I am closing hospitals." He said, "My plan will create 725,000 jobs," and he is 75,000 jobs behind that target right now, so we look forward to his mathematics on this.

I might talk about the price we're paying for the Harris government. It was just this morning that they announced in the area I represent in Scarborough an MRI, a magnetic resonating machine, for Scarborough. This is typical Harris. He makes the announcement and then there's no money. He said, "We're going to let you have an MRI, but we're not going to give you any money." Do you know what it's going to cost Scarborough General Hospital? It will cost \$800,000 a year to run it. Do you know how much Mike Harris gave Scarborough General? It was \$150,000. So it's one of those phony gifts from Mike Harris. He gives the gift and then he doesn't fund it. It is a phony gift. Not only that, but the residents of Scarborough have to raise all the capital money. They've got to go out with cap in hand and raise all the money. This is a typical example.

*Interjections.*

**The Acting Speaker:** Order. You've given it; you've got to take it.

**Mr Phillips:** Well said, Mr Speaker.

Nothing could illustrate better than this sort of thing: "I'm going to give you a tax break," and then Mike goes

and borrows the money to do it. "I'm going to give you an MRI," and then not fund it.

I used to be chairman of Scarborough General Hospital. I tell you, to find the money to keep that machine operating — they said: "Do you know what you do, Scarborough General? You lease it out at night." Believe me, hospitals are going to have to find some creative ways to fund the MRI machines.

I use that as an example to the public about the — let me select my words properly, Mr Speaker, so you don't rule me out of order — the phoniness of these promises. Go back to the tax break. Everybody loves the tax break, "Give me a tax break," and now what Ontario is finding is: "I got an income tax break and I'm paying for it on my property taxes. I'm paying for it with my young people going to school now, with tuition fees going up astronomically." At my old school the MBA tuition fee has gone from \$3,000 a year to \$18,000 a year. Good old Western has taken it up to \$18,000 a year. So Mike Harris goes around saying, "I did this on the income tax," borrowed all the money to do it, and then we find that people are paying dozens and dozens of new fees.

Nothing could illustrate better than the auditor's report this week. That was perhaps the most damning indictment of the mismanagement of a government I've seen. Believe me, you can lay out the auditor's reports from the last 15 years, and if you can find a more damning report than the one that Mike Harris presented —

*Interjection.*

**The Acting Speaker:** Order.

**Mr Phillips:** The member for Etobicoke-Rexdale doesn't want to hear this. Just so the public knows, Mike Harris gave a consulting firm \$180 million. The consulting firm said, "We think this thing may be worth \$50 million to \$70 million." That includes their profit and everything else. Good old Mike gave them \$180 million. It was fairly easy to get after people on social assistance and beat them up, but when it came to taking on somebody of equal size, Andersen Consulting took this government to the cleaners — and it isn't the government; it's the taxpayers — \$180 million for perhaps \$70 million worth of work, at most. Not only that, they've taken their fees up 63% since they were awarded this contract in January of last year. They billed the government — this is the most extraordinary thing. They charged interest on their bill and then they marked it up for a profit. It is obscene, but that's Mike Harris looking after the tax dollars. Yeah. Giving a \$180-million contract to somebody who said it may be worth \$70 million is obscene, and frankly, taking taxes down in one area and then forcing them back up in another area, property taxes, is equally troubling.

It may look to the public like, "I want to cut taxes," but look at the price you're going to pay for it. Look at the fine print in this thing, and I think the government is now being exposed for it really is, an unusual government.

**Mr Bisson:** First we saw the phony tax scheme introduced by Mike Harris, and we all know at the end of the day who benefits from that tax scheme. Is it the middle class? Obviously not. The reports that have come out since

the tax scheme has been put in place have shown that those people who have benefited by the phony tax scheme of Mike Harris have been the people at the upper end of the income scale.

Now we have this member who comes in here and gives an equally phony resolution, supposedly talking about how she's going to do something to help the middle class. I really wonder where this government has been when it came to trying to assist the middle class of the province over the last three years. If you go back and look at the record, you will find that this government, in initiative after initiative, has hammered the middle class like no government in the past.

The government crows and says: "Oh, we've given them a tax break. Oh, we're so good. We gave them a tax break." I already said the middle class, by and large, didn't benefit by the tax break, but what we have had to pay to offset that tax break that they've really given to the people at the upper end of the income scale is a whole bunch of hidden taxes. For example, now when seniors go to buy prescription drugs, what do they have to pay? They have to pay a user fee. They call it a copayment now. When a person wants to rent an arena in their local municipality, or a football field or a soccer field or whatever it might be, the fees have gone up. Why? Because municipalities have lost money by way of transfer from the provincial government, and now people and associations are having to pay a lot more. Every time you take out any kind of permit with the government, you are now having to pay fees where they didn't exist before, and where they did, those fees for permits and other registration-type arrangements have gone up.

But that's not the worst of it. The one that I find most offensive is what's happening with property taxes. This government on the one hand says, "Oh, we've given people a tax break." We know middle-income people didn't benefit from that tax break, but let me tell you, are we ever paying for the changes they have made to the property assessment system. By and large, this government has shifted the burden of assessment income for municipalities from the corporate sector on to individual homeowners.

Now we see the government is about to introduce legislation that will supposedly cap the increases we're seeing in property taxes because of the new assessment system. What did they do? They capped the richest people in society, the large corporations, and also the not-so-large smaller businesses, which I support; they should not have done what they did in the assessment system in the first place. This legislation basically kills the assessment bill for small businesses, but on the other hand they're saying, "We're not going to cap individual homeowners." Now all that loss of revenue that we're seeing because of these assessment shifts is moving over to the homeowner, so the middle-income people again are the ones who are getting it in the ear.

1140

This government talks a good line when it comes to giving people a tax break, but when it comes down to the

final analysis we're finding, as middle-income people, we are further back than we ever were before.

For example, the Centre for Social Justice had a study that was funded by the Atkinson foundation and they found some very revealing statistics on what has happened since the Harris government has come into power. For example, they found that since 1995-96, the poorest 10% of Canadian families with children under 18 saw their average after-tax income drop from \$15,208 to \$13,453. What happened to the supposed middle class that this government is trying to help? We find example after example that they've actually been hurt.

I say to this government, you talk a good line. If you ask most people at the front end, "Are you in favour of a tax break?" I think everybody, including myself, would say, "Yes, I'd love to have a tax break." I think that's what people probably said in the election of 1995. A lot of people bought the argument of the tax break as put forward by Mike Harris during that election. But now people are starting to realize that supposed, phony income tax break that they really didn't get means that the richest people at the other end of the income scale are getting the lion's share of the savings when it comes to tax cuts, and then at the opposite end we're having to lose services that are important to us when it comes to our local communities.

We're seeing hospital closures — over 37 hospitals being closed in the province of Ontario. We're seeing health care services being reduced to a shadow of what they used to be before. We're seeing schools across the province closing. In the city of Toronto alone, in the public board, 138 schools are being closed. Do you think all this is just happening by coincidence? It's happening for the very same reason: this phony income tax break that this government supposedly has given people. What it means is that people have lost their ability to get any benefit out of this.

I certainly don't support this particular motion and I will encourage other members to vote against it, because in the end the people who are going to get hurt are the middle class.

**Mr Dan Newman (Scarborough Centre):** It's my pleasure to speak on the resolution of the member for Scarborough-Ellesmere. I know she has done an outstanding job on behalf of her constituents. I'm equally happy today that Scarborough General is one of the four hospitals in Toronto to receive an MRI. We now have 30 MRIs in Ontario, and once our final announcements are made and there are 35 MRIs in Ontario, we'll have more MRIs than the rest of Canada combined.

What's important in this issue is to look back to May 7, 1998, when the member for Oxford brought forward a similar resolution. Mr Hardeman had brought that resolution forward. It was the second ballot item of the day. What happened after we had a vote on the first item was that members of the opposition just ran. They scrambled. They ran out of this place so quickly; I've never seen so many people do the 40-yard dash so quickly. What happened was that they got up and spoke against tax cuts for



families. When it came time to vote, they were not there. They said they were going to vote against it, but when the day came to vote, they were not there.

Members of the opposition who spoke today, who said that they are against this resolution and will be voting so, I challenge them, if they're against tax cuts for families, to stand up today and be counted. Tell the people of Ontario that you are against tax cuts.

**Mr Silipo:** You'll see my vote.

**Mr Newman:** The member for Dovercourt says we'll see his vote. That will be interesting. That would be the first NDP person who stood up and voted against a resolution like this, because they were the party that ran right out the doors of this Legislature last time. But before they decide to vote No, they ought to check their own Web site because on that Web site it says: "Ontario NDP leader Howard Hampton says the wealthy are doing very well on their own, they don't need more tax breaks and special attention from the government. It's working families who need people on their side fighting for things that matter most."

I say to the member for Dovercourt, if you're on the side of working families, support this resolution. These people earned that money in the first place. They deserve to keep more of it.

**Hospitals:** There are more announcements today on MRIs, which I think are outstanding for the people of Ontario. I've encouraged the members opposite if they are so much opposed to this bill —

**Mr Dominic Agostino (Hamilton East):** Where is the money? Put some money behind it too.

*Interjections.*

**The Acting Speaker:** Member for Hamilton East.

**Mr Newman:** If the members of the opposition are so against this resolution, let's see them stand up and say that's how they're going to vote, because at the end of the day I think what's going to happen today is what happened back in May: You're going to see members of the opposition running out the doors because they don't want to be on record as not being in favour of tax cuts for working families.

**Mr Agostino:** I can assure my colleague across the floor that I certainly won't be running out any door. I'll be happy to stand here and vote against this Republican, Reform-minded resolution that you have in front of you.

We like to talk about middle-class families; we like to talk about working people. The Tories all of a sudden are part of the working people, which is the biggest joke since the announcement of the MRIs this morning. What is really clear here is this is nothing more than a trial balloon for the next election, nothing more than Mike Harris's office telling the members of this Legislature on the government side which bill to introduce to float the balloons for the next election.

We've already seen the results of your tax cut. We've seen the impact it's had on the middle class and working people in this province. We have seen an agenda that is more fitting of Texas, Mississippi or Alabama than it is of Ontario. We've seen the results. We've seen 500,000 kids

in this province whose benefits you've cut by 22% because you think those kids are living high off the hog. We've seen hospital closures. We've seen school closures by the hundreds. We've seen a total ban of environmental protection. That has been the result.

The biggest joke is the fact that you claim to be good fiscal managers. My colleague talked about the giveaway, the gift you gave to Andersen Consulting. If you were the CEO of any major corporation, you'd be fired after that screw-up. Think about it. They come in and ask for \$70 million and you say: "Oh, no, we'll negotiate a better deal. We'll give you \$180 million and an open-ended contract." That is Tory fiscal management, the same fiscal management that is taking the accumulated debt in this province from \$100 billion to over \$120 billion. You almost match the NDP record in five years of increasing debt in this province. That is Tory fiscal management.

Now you want to go further. Let me tell you, we are on the side of working families, because we believe working families and the middle class deserve their community schools that you're going to close. That is why we're on the side of working families. Kids need to go to a neighbourhood school. Neighbourhood schools that you're going to close are the heart and soul of a community. The middle class and working people need to be assured that there's 24-hour emergency care in hospitals if they need it, and they're not sitting in an ambulance for an hour being driven around to find an emergency room that's open. That's what working people need; that's what middle-class Ontarians need and look for in a government, not your phony tax cut scheme.

Ask the homeowners whose property tax went up 20%, 30%, 40%, 50% how they feel about your tax cut, because you've downloaded \$600 million on to municipalities. Ask those folks what they think of your tax cut. Ask the seniors who have to pay a user fee as a result of your tax cut how they want to pay a further user fee as a result of what you're doing. You've abandoned municipal transportation; you've taken all the grants away from municipal transportation service. Ask those people how they feel about your further tax cut. It is not the vision of Ontario; that is not a vision we are going to fight for.

I'll be happy, proud, to stand in the next election and tell Ontarians: "Vote for Mike Harris, because he'll give you a further tax cut and he'll continue to close your hospitals and close your schools and cut environmental protection and continue to cut benefits for kids. Yes, vote for Mike Harris and you'll guarantee four more years of all that."

We, as an alternative, will make it very clear to Ontarians that we believe that money should be reinvested into health care, into education, into environmental protection, into children's services. It is clearly a different vision of Ontario, not one that favours the wealthy, because we believe our communities need to be safe, they need to be healthy and kids need to be taken care of. If you support the tax cut, what you're supporting is further closures of hospitals, of schools, and further abandonment of our kids

in this province. I will not be part of that. I'll be happy and proud to vote against it.

1150

**Mr Bart Maves (Niagara Falls):** It just galls me every time I get into this Legislature and I listen to some of the people on the Liberal benches speak down to the people of Ontario. It really frustrates me. Mr Phillips, the member from Scarborough, when he tries to fleece the voters by telling them we've added \$22 billion to the debt — what they should do is look at the budget. In February 1995 the NDP set a budget which had an \$11.9-billion deficit. We came in and had to make some drastic changes right off the bat to reduce the deficit that year to about \$8.5 billion. Every single one of those deficit dollars that got added to the debt was as a result of the previous government, the NDP. When the Liberals try to get up and fleece the voters and say that the debt when we took office was only \$89 billion, they're speaking down to the voters. They're assuming they're dumb. They're assuming they don't understand how to read budgets. That's just so offensive.

The other thing that really bothers me about that is that the Liberals stand here now and talk about the size of the debt, which we agree needs to be addressed. The Liberals have voted against every single expenditure reduction measure we've taken, every single one. It flies in the face.

Mr Conway said in the North Renfrew Times in May 1995, during an election: "We are going to have to get our financial house in order, we're going to have to reduce government spending. And that's not going to be easy. I don't want to mislead anyone on that." They lose the election; we make the expenditure reductions; they vote against every single one.

Dalton McGuinty in August 1996 says, "Given that Ontario has had to borrow about \$10 billion during each of the past four years to meet its expenses, nobody can seriously argue against getting our costs under control," yet voted against every expenditure reduction measure we've ever taken. They want it both ways. It's ridiculous.

Again, the little patting on the head of Ontario taxpayers that says tax cuts — realize, folks, that's your money. You earned that money. Government takes it from you. When you get a tax cut, you're just being allowed to keep more of your own money. The Liberals think they can spend money better than you. That's insulting. We believe you know how to spend your money better than the government does, but the Liberals think, "No, no," pat you on the head, little Ontario taxpayer. "Give us your money. We'll spend it properly." I'm totally opposed to that kind of attitude. I support this resolution today because it's the total opposite of what the Liberal attitude is towards Ontario taxpayers.

**Mr Frank Miclash (Kenora):** I am pleased to rise to say that I will not be in support of this resolution as well. We have here a government that has suggested that they have given every resident in Ontario a personal income tax cut. The government sold this idea during the 1995 campaign, where they were running around saying, "You're going to receive a 30% income tax cut."

I had a good number of people who were voting in the Kenora riding come to me and say, "This Mike Harris guy is suggesting that I am going to get a 30% income tax reduction." The first thing they weren't looking at was it was a provincial income tax reduction. The second thing they weren't looking at was that user fees and other rates would skyrocket once Mike Harris got into power. I have hundreds of examples of where people have come to me saying, "Why has my fee for my licence that allows me to work increased fourfold?" I say, "Did you not know about Mike Harris's 30% income tax reduction?" They say, "I haven't even noticed that; it hasn't made any difference to me there, yet I'm paying four times for a fee that allows me to go out and twist a wrench," or do whatever.

Just recently I was literally inundated with calls from people suggesting: "I've just put \$3,000 or \$4,000 into my road sign on the Trans-Canada Highway. Mike Harris has come along and told me now my fee to have that road sign there is going to triple." I could not believe what I was hearing. There was no indication of that, no warning, nothing. People who had invested a lot of dollars in their road signs are now faced with a fee, where they're saying: "I'm going out with a chainsaw to cut it down. I can't afford that." It finally got through to the Minister of Transportation — the Minister of Economic Development, Trade and Tourism had something to do with this as well — and they began to realize that this is getting too close to election time. "We can't do this right now. Maybe we'll get them later." But I tell you, it was an underhanded approach to get those fees. We're finding that everywhere.

The previous speaker spoke about the provincial debt. That is something I'm going to be letting every one of my constituents know about when we head into the next provincial election. A lot of people don't understand, yes, the deficit's been eliminated, but look at that debt going up. You're getting your 30% income tax reduction, but watch the debt. What are we doing to the future taxpayers of this province, to the next generation of this province?

Thirty-seven-dollar registration fees for vehicles: You don't believe that Mike Harris tax on the drivers of northwestern Ontario is not going to be remembered? Forget it. I tell you, I cannot support this private member's resolution.

**Mr Doug Galt (Northumberland):** I think the quote that the member for Niagara Falls made from the Liberal Party was quite interesting. I have a couple from the NDP.

On March 15, 1996, Howard Hampton said, "Balancing the budget over the long term has to be part of our game plan." Then, on September 15, just a little later in that same year, he said, "First of all, we don't have a debt and deficit crisis." This is after the credit agency had downgraded Ontario nine times during their term in office.

More recently, in February 1998, Standard and Poor's expressed confidence in our province's finances, stating, "Ontario is benefiting from a booming economy and remains on target in its deficit reduction schedule."

You have to ask why this has been occurring. It's because of the tax cuts that we've already made. It stimulated the economy. As a matter of fact, it stimulated



the Ontario economy so much, and a little spinoff to Canada, that the federal government has actually been able to balance its budget. They are unaware, and I'm sure the members in opposition are also unaware, that the only reason the federal government has been able to balance the budget is because of what Ontario has been doing to stimulate the economy.

Just in the last minute that I have, I want to point out what the poor middle class are being hit with. The average family, a mother, father and two children, is paying approximately \$7,000 for health. They're paying approximately \$5,000 for education, plus the post-secondary education costs. They're paying \$4,000 a year for interest. They're spending about \$4,000 on social programs. Those are the major ticket items in Ontario and that's running at \$20,000. The average family, over and above that in taxes, is paying federal income tax, property tax, GST, PST, gasoline tax, liquor tax, tobacco tax, and the list goes on and on. That family is only making a little over \$50,000. They indeed, as the member has introduced here, need a break.

The middle class has been consistently hit in the province of Ontario, and it's high time they did get a break from these kinds of taxes. We have given them, with the cut in the provincial income tax, a bit of a break. There's no question they need a bigger break. That will stimulate the economy even further in Ontario.

**The Acting Speaker:** Further debate?

Member for Scarborough-Ellesmere, you have two minutes.

**Ms Mushinski:** A lot of reference has been made to the Centre for Social Justice report that was released recently. I think it's important to note that we actually agree with the findings of that study. You see, the middle class did take it on the chin under the Liberals and the NDP. That particular report only goes to the year 1996, which was less than one year into our mandate, so the study really is a condemnation of the previous two governments. It's a report card on the opposition parties' years in government. Let's not confuse the public with respect to their track record.

The Peterson and Rae governments hiked personal income taxes on individuals making \$25,000 annually by \$290. Mike Harris cut their taxes by \$510. The opposition hiked the PIT of \$40,000 earners by \$630 annually. Mike Harris gave those same individuals a tax cut of \$1,100. Middle-income earners at \$50,000 saw their annual income tax bill rise by \$890 between 1985 and 1995. Mike Harris cut their taxes by \$1,555. Middle-income taxpayers with earnings between \$25,000 and \$75,000 per year received 64% or \$3 billion in tax cut savings each year under our plan. With our tax cuts fully implemented, the top 10% of taxpayers pay a greater portion of Ontario's income tax.

We have made it our business to be the champions of the middle class because we're sick and tired of seeing successive provincial governments put the screws to hard-working families.

## PROFESSIONAL FORESTERS ACT, 1998

### LOI DE 1998 SUR LES FORESTIERS PROFESSIONNELS

**The Acting Speaker (Mr Gilles E. Morin):** We will deal first with ballot item number 31, standing in the name of Mr Ramsay.

Mr Ramsay has moved second reading of Bill 71, An Act respecting the regulation of the practice of Professional Forestry.

Is it the pleasure of the House that the motion carry? Carried.

**Mr David Ramsay (Timiskaming):** Mr Speaker, I'd ask that this bill be referred to the resources development committee.

**The Acting Speaker:** Is it agreed? Agreed.

## TAXATION

**The Acting Speaker (Mr Gilles E. Morin):** We will now deal with ballot item number 32, standing in the name of Ms Mushinski.

Ms Mushinski has moved private member's notice of motion number 25. Is it the pleasure of the House that the motion carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1200 to 1205.*

**The Acting Speaker:** All those in favour will please rise and remain standing until your names are called.

### Ayes

Barrett, Toby  
Boushy, Dave  
Brown, Jim  
Carroll, Jack  
Chudleigh, Ted  
Danford, Harry  
DeFaria, Carl  
Doyle, Ed  
Elliott, Brenda  
Fisher, Barbara  
Flaherty, Jim  
Fox, Gary  
Galt, Doug  
Grimmett, Bill  
Guzzo, Garry J.  
Hastings, John

Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Jordan, W. Leo  
Klees, Frank  
Leach, Al  
Leadston, Gary L.  
Martiniuk, Gerry  
Maves, Bart  
Munro, Julia  
Murdoch, Bill  
Mushinski, Marilyn  
Newman, Dan  
O'Toole, John  
Ouellette, Jerry J.

Palladini, Al  
Parker, John L.  
Rollins, E.J. Douglas  
Runciman, Robert W.  
Sampson, Rob  
Shea, Derwyn  
Sheehan, Frank  
Smith, Bruce  
Snobelen, John  
Sterling, Norman W.  
Tascona, Joseph N.  
Tilson, David  
Turnbull, David  
Wettlaufer, Wayne  
Wood, Bob  
Young, Terence H.

**The Acting Speaker:** All those opposed will please rise and remain standing.

### Nays

Agostino, Dominic  
Churley, Marilyn  
Marchese, Rosario

Martel, Shelley  
Martin, Tony  
Morin, Blain K.

Phillips, Gerry  
Ruprecht, Tony  
Silipo, Tony

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 48; the nays are 9.

**The Acting Speaker:** I declare the motion carried.

All matters related to private members' business having been completed, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1209 to 1331.*

## MEMBERS' STATEMENTS

### UNEMPLOYMENT

**Mr Rick Bartolucci (Sudbury):** The problem the Mike Harris government is causing Sudbury and northern Ontario continues to skyrocket. Not only is Mike Harris intent on closing our schools and destroying our commercial tax base, he now wants to close down more job opportunities in the north by getting rid of valuable resource-based jobs.

The region of Sudbury has an unemployment rate of 10.8%, which is up from last month and has shown a whopping 2% rise over the course of the last year, making northeastern Ontario the area of highest unemployment in this entire province.

What is the Mike Harris solution to this plaguing problem? Harris says, "Let's sell off the geoscience lab in Sudbury to the highest bidder and forget about the 24 people who are employed there."

"What's 24 more lost government jobs?" is Mike Harris's response.

In fact he says, "Who cares about the 2,365 people and families who have lost their government job?" in my part of Ontario. The answer is simple: I do and so does Dalton McGuinty and the Ontario Liberals.

All northerners now realize that the Common Sense Revolution and Mike Harris do not represent the north. In fact, we have no voice in the north. The Minister of Northern Development and Mines is simply a puppet pulled by the strings by Mike.

We need government jobs in the north. Stop the onslaught against the north. Stop the carnage. Care about us.

### SPECIAL TRANSITIONAL ASSISTANCE GRANTS

**Mr Blain K. Morin (Nickel Belt):** The city of Sudbury recently passed a resolution at its council meeting to petition the government of Ontario to permanently fold the special transitional assistance grant into the community reinvestment fund, or the CRF, as a permanent financial adjustment for northern Ontario and rural municipalities, thereby ensuring revenue-neutrality.

The north will be burdened significantly more than the south when the non-permanent special transitional assistance is removed by the year 2000.

There are two scenarios. The first scenario is that in the year 2000, when the STA is no longer funded, revenue-neutrality is no longer achieved in the north as the north is required to further reduce municipal spending by 2.3%. For the south as a whole, it's not as significant and revenue-neutrality is still achieved.

The second scenario is when the STA is permanently rolled into the funding. Revenue-neutrality is permanently achieved in the north and the province as a whole. Year one efficiency targets: In order to reduce municipal spending to ensure revenue-neutrality, the south as a whole must reduce spending by 2.7%, while in the north they must reduce their budgets by 4.4%.

I urge this government to maintain the special transitional assistance grants in northern Ontario. My constituents of Nickel Belt want a level playing field which ensures revenue-neutrality between municipalities in northern and southern Ontario.

### JACK ROSEN

**Mrs Lillian Ross (Hamilton West):** I am pleased to rise today to inform this Legislature of the honour to be bestowed on a constituent of mine, Mr Jack Rosen. Mr Rosen has been selected to receive a citation from the Zachor Committee in Ottawa on November 18.

The ceremony will commemorate the 50th anniversary of the Universal Declaration on Human Rights. Mr Rosen, a Holocaust survivor himself, is one of only 50 Canadian Holocaust survivors selected to receive this award and will represent all Holocaust survivors in Canada. The award acknowledges the outstanding contribution survivors have made to Canadian society.

Mr Rosen has been a dedicated community volunteer and has contributed numerous hours to many charitable causes in Hamilton. He was a charter member of the now defunct Hamilton Supports for Israel for 25 years.

Recently, Mr Rosen received the 1998 Volunteer of the Year Award from the Hamilton Health Sciences Corp for his many hours of volunteer service at McMaster University. Mr Rosen has been affiliated with the Hamilton Holocaust Survivors Education Committee and is called on repeatedly to address high school students. For the past 40 years he has been affiliated with the Jewish National Fund through the blue box campaign.

Jack, Hamiltonians are all proud of you and proud to boast of your accomplishments and the honour to be bestowed on you on the 18th. Congratulations. Sincere best wishes.

### LONG-TERM CARE

**Mr Alvin Curling (Scarborough North):** Mr Speaker, I have raised concerns in the past regarding the handling of long-term care. I can tell you that I have no confidence in the way that minister handles his affairs. I have no doubt now that there is a hostile takeover of small, community-established nursing homes by the Minister of Health and the Minister of Long-Term Care. This government fails to see, time and time again, the importance of community-based health care.

Van Del Manor Nursing Home has been seized by the Minister of Health and the Minister of Long-Term Care as of a day or two ago. Mrs Stella Pinnock, owner and administrator of Van Del Manor, with over 30 years of



experience in health care, has been constantly harassed by the bureaucrats with an agenda. That agenda is to take over these small nursing homes.

Will the ministers rescind their order to take Van Del Manor Nursing Home away from the operator, and will the ministers have an independent investigation into the matter?

Will they work with Mrs Pinnock to provide the necessary resources to serve the needs of the residents and their families? Will they stop harassing the small nursing home operators, who work hard to provide community care for this province?

That same property has been approved for funding, and today, while they approve funding, they are taking away the woman's property.

I say to this minister, stop harassing and have a special investigation into this matter today.

### SCHOOL CLOSURES

**Ms Frances Lankin (Beaches-Woodbine):** I came about 40 minutes ago from Williamson Road Public School. This is one of the schools that is on the list being reviewed for closure in the city of Toronto.

Williamson Road is in the heart of the Beach. The Beach is a community in which the schools are already very overcrowded. Most of the schools are older schools. We have substantial new development coming into our community with the residential development of the Greenwood Race Track land and of course development of the CN lands at Main and Gerrard. Parents are already worried about the lack of capacity.

One of the things that was so evident to me as I walked down the halls of Williamson Road is the argument that the minister makes about inefficiency. The hallways of Williamson Road Public School are as wide as the classrooms. The teachers and the students and the Toronto board can't help that now; it was a design from a number of years ago. It's not usable classroom space and yet it's counted as such in the funding formula.

The rigidity of the funding formula is what is causing much of the chaos in our boards right now. The minister can fix that. His own expert panel recommended that there be an appeal process for just those sorts of circumstances like building characteristics. I asked him yesterday — and I plead now with all of the Tory backbenchers to ask him — to implement those recommendations for an appeal process.

### HOLOCAUST EDUCATION WEEK

**Mr John L. Parker (York East):** I would like to remind all members that this week is Holocaust Education Week in Ontario.

Holocaust Education Week occurs every year before November 9, the anniversary of the Night of Broken Glass.

Its purpose is to deepen public awareness about the Holocaust, the Yom ha-Shoah of 1933 to 1945, in which

six million Jewish Holocaust victims perished, along with others who were targeted by Naziism and its collaborators for religious, racial and other reasons, as outlined in the Holocaust Memorial Day Act by my colleague Ted Chudleigh, the member for Halton North.

Holocaust Education Week affords all Ontarians an opportunity to learn about the underlying causes of the Holocaust. It provides Christians and Jews and others with a forum within which to reflect together on their historic relations, on the issue of deeper reconciliation and on how to ensure that "Never again" becomes more than a slogan, but a reality for all time.

There are many ways in which to observe Holocaust Education Week. For some of us, this will mean attending an educational event organized by the Canadian Jewish Congress; for others, a visit to the Holocaust Memorial Centre. For still others, it may mean simply spending a moment in silent contemplation.

As we approach Remembrance Day, it is important that we remember why at times a people must go to war. To those who fought to defeat the evil Nazi regime: We shall remember.

1340

### HOSPITAL FUNDING

**Mr Michael Gravelle (Port Arthur):** Last week Premier Harris and Health Minister Witmer came to Thunder Bay to announce government approval for a new acute care hospital in our city. While this news pleased many of us who were frustrated by the delays in reaching this final decision, there was still something missing in this good-news announcement.

All across the province where the Health Services Restructuring Commission has been rendering decisions, the province commits to 70% of the costs of new capital construction, except, it seems, in Thunder Bay. While the government has formally approved a new hospital for our region, they are only providing something less than 58% of the capital needed to build this important facility.

This is absolutely unacceptable. Why should the people of Thunder Bay and northwestern Ontario be treated any differently than those in the rest of the province? In fact, just two days after the Thunder Bay announcement, the people in the Premier's own community of North Bay learned that they were to get a brand new hospital as well, with the province picking up 70% of the acute care capital costs.

There are many challenges ahead for us as we move to secure top-quality health care in our region. Among other things, a major fundraising drive will be needed in order to reach our goals. It seems utterly unfair that this government would approve this new facility, yet deprive us of the provincial financial support that applies everywhere else across the province.

I'm calling on the Premier and the Minister of Health today to recognize this unfair treatment and to provide the people of Thunder Bay and northwestern Ontario with the financial support we need and deserve.

## HOTEL AND RESTAURANT WORKERS

**Mr Tony Silipo (Dovercourt):** Beginning this weekend, the International Union Federation, which is the international federation of all unions of hotel and restaurant workers, is having its annual convention here in Toronto. Over 80 leaders of unions representing hotel and restaurant workers from all over the world will be here in Toronto, and I want to take this opportunity to welcome all of those distinguished guests to our city.

The conference will then proceed to culminate on Tuesday with a day which will honour all of the hotel and restaurant workers. The mayor of Toronto will declare Tuesday, November 10, Hotel and Restaurant Workers Day in this city.

When we think of the tourism industry, we often tend to think of it as a never-ending series of infrastructure projects, from hotels to wonderlands. But today, in conjunction with this very important event taking place over the next few days, I also want to recognize and honour in this House all the men and women who work hard in the hotels and restaurants in Ontario. It is their effort, their hard work and dedication to serving their guests that make this province a great tourist destination.

I would also like to congratulate the leaders and all the members of local 75 of the Hotel Employees and Restaurant Employees International Union for their initiative in putting together this great event.

## WAR MEDALS DONATION

**Mr Dan Newman (Scarborough Centre):** I rise today to pay tribute to a great Canadian. In a December 1915 publication of Punch Magazine, a poem was published that seemed to echo the pathos of sacrifice in battle on the Western Front. It is a poem that has become a requiem for those Canadians who fought and died under the Union Jack, the Red Ensign and the Maple Leaf.

The poem, of course, is *In Flanders Fields* and was composed by Lieutenant Colonel John McCrae. McCrae died on January 28, 1918, shortly after receiving word that he was to be appointed consulting surgeon to the British army, the first Canadian to be so honoured.

Today I honour not only the author of the poem but also Mr Arthur Lee. Mr Arthur Lee arrived in Canada at the age of 12 and later became a Canadian citizen. The last line of the oath of citizenship is, "I will faithfully observe the laws of Canada and fulfill my duties as a Canadian citizen."

Arthur Lee stepped forward when he heard that the medals of that great Canadian, Lieutenant Colonel John McCrae, were to be auctioned off and that there was a chance that the medals could leave our country for good. Mr Lee purchased the medals to ensure that the medals of this fine Canadian stayed in Canada.

Arthur Lee certainly has fulfilled his duties as a citizen of Canada. After the auction was concluded, Mr Lee then proceeded to donate the medals to the McCrae Museum in Guelph. This unselfish act will ensure that future genera-

tions of Canadians remember the sacrifices of the past which have ensured the freedoms of today.

The poem concludes with:

"If ye break faith with us who die,

"We shall not sleep, though poppies grow

"In Flanders fields."

Mr Lee is with us today in the members' gallery. Sir, to you I offer our highest praise and thanks, and to our veterans, we shall never forget.

## ACCESS TO LEGISLATIVE BUILDING

**Mr Tony Martin (Sault Ste Marie):** On a point of order, Mr Speaker: I hope you will have some patience with me as I work my way through this. There is a group in this community that has been protesting for a long time now the agenda of this government and in particular the hiring of Andersen Consulting to take money away from those who are on welfare in this province.

**The Speaker (Hon Chris Stockwell):** I need a point of order here.

**Mr Martin:** It's coming. I asked you if could just —

**The Speaker:** No, I appreciate it —

**Mr Martin:** OK. They have also been protesting in other jurisdictions around the question of this gap that's growing between the rich and the poor. We found this past week that there's a lot of substance to what they're talking about. If they're not allowed to bring that to the attention of this government, chances are it will never be brought. They've been just recently, by yourself, cut off from attending at Queen's Park to demonstrate in that way that we have taken for granted belongs in a democratic —

**The Speaker:** With great respect, I'm having a great deal of trouble finding the point of order. Member for Sault Ste Marie, can you take your seat for a moment.

**Mr Martin:** It's coming.

**The Speaker:** I appreciate that. I'll give you a brief moment to be very succinct and made your point of order. If your point of order is that somebody doesn't have access to the building, that's not a point of order. I'll tell you that right up front.

**Mr Martin:** You've made a ruling, Speaker, that this group — and you'll recognize the name of a Mr Behrens — cannot attend at this place to carry out their democratic right to and —

**The Speaker:** I've never made such a ruling.

**Mr Martin:** In their letter they say you have.

**The Speaker:** Let me just say this quickly, if you could take your seat, please. I will be happy at any time to meet with you with respect to this issue. It may be a very important issue; I'm not suggesting it's not. It's an important issue to you and those people, I'm sure, as well as me, but with great respect, it's not a point of order in this assembly. I'll be happy to take it up at another time, but bringing it up as a point of order here is completely out of order. But I appreciate it; thank you.

**Mr Martin:** Thank you very much. I will in fact take advantage of your invitation and we will sit down and talk about this, because it is an important issue.



**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** Mr Speaker, I believe we have unanimous consent for one member from each recognized party to speak on Remembrance Day, and one member from each party to Kristallnacht/Holocaust Education Week.

**The Speaker:** Agreed? Agreed.

1350

## REMEMBRANCE DAY

### JOUR DU SOUVENIR

**Mr Toby Barrett (Norfolk):** Like many in my generation, I grew up on war stories: my father's stories of the North Atlantic, my grandfather's library about the First World War. To understand the real experience of war, we should listen to the voices of those who were there.

A friend in my generation, Gord Christmas from Simcoe, has captured stories of various wars. As Gord begins:

"Every November 11 we see them gathered in legion halls and cenotaphs across the country. Their ranks get thinner every year and their backs a bit more stooped, but for a few moments, when the clear, mournful notes of the last post float by, spines stiffen to attention, stomachs tighten. They seem once again the youths in grainy newsreels and faded photographs."

Gord Christmas, a civilian instructor with the Simcoe 2853 Army Cadet Corp, 56th Field Regiment, published his stories on November 11 last year in the *Times-Reformer*. Gord and his son Joseph, a cadet, are in the gallery today.

I wish to continue with Gord's words:

"By their stars you know them and where they've been: bits of coloured ribbon and shining points of brass on each blue blazer."

Gord describes:

"One hearty-looking fellow sports a nose like W.C. Fields. He looks like your favourite uncle, or granddad, perhaps. You know, the one that's got great taste in whisky. Today he can't forget the time that nose was stuck in a slit trench downwind of an orchard in Normandy. The smell that came out of it wasn't the cidery tang of crushed apples or the fresh odour of mown grass. Rather, it was the green, coppery reek of corpses rotting in the sun. Colour his ribbon red, white and blue, France and Germany, 1944-45.

"Among the 'old sweats' there will be a sprinkling of 'old salts,' wearing the blue, white, light-green ribbon of the Atlantic Star. They share recollections that, even filtered through more than half a century, still remain sharp and clear as the snap of a windblown white ensign.

"The fellow standing alone among the trees wears the blue and gold of RCAF aircrew. He knows he has helped make history, this once handsome man; the 'guinea pigs' they called them, a new cliché at the time. He was one of the successful recipients of a brilliant Canadian doctor's efforts at reconstructive surgery. Still, he'd rather have his

old face back, but it melted one night when his Lancaster blew up on the run to Cologne.

"Next to him in starched splendour stands a matronly woman, looking a bit like the Queen Mother, but with a hardness in her eyes. Her war was spent as head nurse in a field hospital a mile from the front line.

"Some of it is a bit of a blur now, like a hellish procession of smashed limbs, blinded eyes, gaping wounds. They came to her strapped to Jeeps, on bloody stretchers, or on the back of a buddy. They were her boys and there were so very many of them, the only sons she would ever have and she remembers the face of every one.

"One group, until recently, had no ribbon. In fact, it had no war. It had been termed a 'police action.' This police action cost over 300 Canadians their lives. The Korean veterans will be there, as they always are, overlooked in the remembrance of grand campaigns and sweeping strategy.

"Nobody knows how many Canadians served in South-east Asia or their individual reasons for being there. It doesn't matter really, their blood was as red as anyone else's."

"As well, somewhere in the crowd there may be a representative of the dwindling band whose sacrifice started it all. He will probably be in a wheelchair. Memories for him are dim, vague recollections of hell. He will, if pressed, give you the names of towns that were burned into the conscience of a generation: Ypres, Mons, Vimy, Amiens. He won't tell you about the dead body that formed part of the trench that fell apart when he leaned against it. No, he won't tell you any of this. You wouldn't understand. What he will tell you is, if he could just get out of this damned chair, he'd do it all over again.

"We could do with a few of his kind now. For him and the few like him that are left now, November 11 will always be known as Armistice Day. Call it what you wish, but the next time we get the chance, maybe it wouldn't hurt a few of us, born into the peace these people bought, to pick out a blue blazer and shake the wearer by the hand and say thank you. The ranks are thinning. Someday it will be too late."

**Mr Gilles E. Morin (Carleton East):** Je remercie mes collègues de mon parti, que je représente, de m'accorder à nouveau cet honneur de parler en leur nom et d'exprimer les sentiments personnels que je ressens à l'égard de mes cadres militaires à l'occasion de la célébration du jour du Souvenir que nous célébrons mercredi prochain.

I am grateful to have this opportunity to say a few words in anticipation of Remembrance Day, a day that rightly continues to be a significant one in our lives. This day is important to me because of my own military background. It is an experience that has no equal in civilian life. As someone once said, "A regiment is not a group of men; it is a way of life."

One of the most difficult challenges human beings face is to genuinely understand those hardships they have never personally experienced. It is almost beyond their capacity to understand how ordinary individuals can leave the

security of their communities to face certain danger and possible death. Today a common sentiment seems to be a defence of our privileges at the expense of our obligations, yet it is in defending the values of civil society that the military finds its *raison d'être*. At its best, the military embodies values that run deep in the fabric of our nation's history and that see their greatest expression in the acts of great courage we honour today.

It is the ideals of loyalty, honesty, courage, diligence, fairness and responsibility that are carried in the hearts of those who serve to this day. It is those ideals that inspire the high calling of the defence and protection of all we stand for as a nation.

It is military training that creates individuals who are able to defend a country at the price of their lives. Nevertheless, it is the increasing value modern society places on individualism that makes military values seem outdated. It is one aspect of the crisis the modern Canadian military is having to deal with on several fronts.

Although the world wars are behind us, the demands on our service personnel are intense and complex. It is unfortunate that military service has been tainted in the eyes of the general public. Recent scandals that are the responsibility of only a few have cast an unfair stain on everyone associated with it, yet we should know that it's unfair to attribute the sins of a few to an entire organization.

In the absence of war, present-day servicemen and -women give the best of themselves in the areas of peacekeeping and emergency response. No one will deny the exceptional work done in support of communities in eastern Ontario and Quebec during last year's ice storm.

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Canada has played a leading role in peacekeeping since the earliest UN missions. As of August, 1,977 Canadian military personnel are stationed in 21 centres around the world on peace and humanitarian operations. They have served under fire in Bosnia, supervised the cease-fire on the Golan Heights, helped in the reconstruction of Haiti and cleared mines in Cambodia. One hundred and three have died on peacekeeping missions since the end of World War II.

The military continues to need exceptional and specialized skills to meet the complex mandates that present them with enormous moral dilemmas. In the words of Lieutenant General Romeo Dallaire, who led the United Nations mission to Rwanda, and who was my guest here a couple of years ago:

"Significant components of the forces have been at war for the last five years. Last night, I was at Air Transport Group, thanking them for what they did for me in Rwanda. They were in a war zone. Those bullets were pumping holes in those Hercules aircraft even though the country did not declare war, and they were risking their lives. Have we recognized that fact? ...are we aware that we nearly have as many war veterans standing now in uniform as we did at the end of the Korean conflict? Nearly the same number.

"Have we adjusted policies to respond to those who have already done the test — some survived and some

have not — the test of the unlimited liability clause? Have we adjusted to meet that requirement?"

How many of us realize the circumstances under which today's military must live and work, the inadequate pay and living conditions, the stresses on family life of a career without public honour?

In the future, our armed forces will continue to be placed in circumstances like Rwanda, where they will be in contact with populations quite willing to brutalize their countrymen to achieve their ends. "The soldiers will smell, see and live among carnage that has not previously been seen in the modern era."

Can we turn our backs and say that the military is irrelevant and has no role to play any more? Can we really refuse the call to service that is being heard in those centres of crisis around the world?

If we feel that we must, after all, meet our obligations, then we must also support our military forces in ways sufficient and appropriate to their needs.

I would like to say a few words about a Canadian hero who served in the armed forces many years ago, but whose spirit is carried on in the hearts of every soldier who has served his country to this day. This Canadian hero enlisted as a lieutenant into the 22nd Service Battalion of the Canadian Expeditionary Force on November 10, 84 years ago.

From its first day in Belgium on September 16, his battalion saw heavy and sustained action for many months. At one juncture, the young lieutenant undertook the installation of blasting charges with a patrol of four men. For his heroic action, he was awarded the Military Cross.

In April 1916, he took command of a ground troop from Able Company, one of those selected to take part in the battle for Courcellette on the Somme on September 15. After seeing action at Vimy Ridge and the Passchendaele on August 27, the 22nd Regiment took part in the Cherisy attack, which broke the strategically important Hindenberg line. For his gallantry and devotion to duty he was awarded the Distinguished Service Order. Later, a bar was added to his Military Cross when, after his commanding officer had become a casualty, he gathered the remnants of the battalion and continued to attack. The young officer received serious wounds to his lung and both his legs in the action. Although it was the end of his active service, his public service had just begun.

The much-decorated soldier went on to serve Canada as a diplomat at the League of Nations in Geneva and in subsequent postings in London and Paris, with many distinctions to follow. General Georges Vanier was appointed Governor General of Canada on August 1, 1959. It has been written that Vanier "won the affection and admiration of Canadians by his concern...for the poor and the humble, for youth and for the family."

It was my great privilege to serve as aide-de-camp to this remarkable Canadian, who throughout his life held close the values of military and public service. When he was asked why he enlisted so early in the First World War, when few others had, Georges Vanier echoed the purest sentiments of soldiers throughout time: "During the last months of 1914, I could not read the accounts of



Belgian sufferings without feeling a deep compassion and an active desire to right, as far as it was in my power, the heinous wrong done."

As a seasoned old clergyman once said: "The army is very interesting. Very hard people on the outside, but inside they are really very soft and very human."

Today I see such dignity in the faces of our veterans, both old and young, many who have lost so much. They know in their hearts, as we do, that their sacrifice has bestowed honour on our nation. For that, we thank them profoundly.

**Mr Gilles Bisson (Cochrane South):** I rise today on behalf of the New Democratic Party to speak in regard to Remembrance Day. I want to take this from a bit of a different perspective because, like many members here in this assembly, I was a child born after the war, born in the 1950s, not having any personal experiences with what happened, both in the First World War and the Second World War.

Like most of us, I learned about what it meant to those people who did serve by observing what happened to them throughout my time developing as a young man and eventually into an adult. Like most young kids growing up in Ontario in the 1950s and 1960s, I thought at first that war was something that was glamorous. I'd watched a lot of American movies. I heard about GI Joe. Somehow or other everybody went off to war and it was a great big adventure. But I learned different as I started to observe and learn and started to understand better what the veterans had gone through. How did I learn? Like most other people, by observing people around me.

I always remember one gentleman who lived next to us, a man by the name of Albert Vaillancourt. He served from 1939 to 1945 in Europe. As a young man of about 14, 15 years old, I decided I would ask Albert the ultimate question. I asked Albert if he had ever shot anybody, at which point Albert cried. Thinking of that story today, it touches me, because it was only then that I recognized it wasn't glamorous.

The other observation was that I always noticed at that time that most of the people I knew who had served never talked about action. As Albert did, as did most other people I know who served in the war, they talked about the fun times they had, about the comrades they bonded with, about the funny experiences that happened in training, about time on leave, but never did I hear veterans talk to me about action. I never really understood why until much later in life.

I remember people like Joe Gauthier, who flew on a Lancaster as a tail-gunner. I remember about four years ago having the opportunity to go to the Timmins airport and observe one of the only flying Lancasters still available, actually flying out of Hamilton. This Lancaster flew overhead. It was something monstrous to see. It finally landed. It taxied up to the appropriate spot. The MPP went out there to meet with the flight crew and look at it. I noticed Joe walk to the back of the aircraft. All I knew was that Joe was a tail-gunner. I didn't really know what that meant, but I think I got an idea when I saw him put his hand up on the canopy of the Lancaster for what he

could reach of it and started to cry. Many other people didn't get a chance to come back, especially those who flew, as Joe did, as a tail-gunner on a Lancaster.

I think of experiences of my own family. I think of my aunt. My uncle passed away some years ago of cancer, but served in World War II, from 1940 to 1945. Not more than about a month ago, I told her about having gone to see a movie that all of a sudden brought it home to me, and that was *Saving Private Ryan*. I don't want to trivialize, but that movie made me understand that if I had ever gone to war I wouldn't want to talk about the travesty of what happened. I happened to relate that to my aunt and my aunt all of a sudden, with a tear in her eye, said, "Your uncle never went to bed at night without having a nightmare about what happened to him from the time he was there." Unfortunately, my uncle Con operated flamethrowers. I could imagine that's not something that you'd want to remember. Poor uncle. I now better understand why he was a bit more nervous around loud noises and other things. It was only when my aunt explained that to me that I really did understand.

I think of people like Lyle Young, another uncle of mine. All I know was that he had served in the war but never talked about it. Uncle Lyle was the friendliest guy in the world you could find. He died about 1968. As a young man, I just remember looking up to Uncle Lyle as somebody who was just bigger than life.

**1410**

It wasn't until I was around 15 years old and I was in the Air Cadets and I'd gone to Ottawa that all of a sudden I read my uncle's name on a piece of paper. He had won some medal for some action he had participated in during the Second World War in France a couple of days after D-Day.

I came back and talked to my father and said, "Dad, how come he never said anything?" He said: "Gilles, your uncle, like everybody else who served, all of my friends who served, doesn't want to talk about what he saw. It's things they want to leave in their past because it's something that's too terrible to remember."

So I ask members of the assembly and I ask others who are going to be attending cenotaph ceremonies over the next few days, some this Sunday in Timmins, and on the 11th in all other places across my riding, as across the province, to remember what these people did for us, because what they did, we cannot imagine. All we can do is be thankful.

As we're always asked to do when we go on November 11, let us remember them.

**The Speaker (Hon Chris Stockwell):** Will the members please rise for a moment of silence.

*The House observed a moment's silence.*

#### KRISTALLNACHT

**Mr Ted Chudleigh (Halton North):** Monday, November 9 marks the 60th anniversary of Kristallnacht, or Night of Broken Glass.

On this date in 1938, many Jews saw their businesses, synagogues and homes vandalized, while authorities just

looked the other way. It is this concerted act of terror, this breakdown in civil and moral responsibility that marked the beginning of the worst phase of the Holocaust in Europe.

Victims of that horrible night of violence will never forget the shards of broken glass left in the wake of the riots. In that glass were reflections of shattered lives. It is when they received the first hint that the gathering shadows would coalesce into the Nazi menace that followed.

November 9 is a time to reflect on the six million Jewish Holocaust victims, just as November 11 is the time we reserve to commemorate Canadian war dead, many of whom fought in the World War II and gave their lives to quash Naziism. It is also a time to remember other civilians who died at the hands of the Nazis.

We need to reflect on other state-sanctioned genocide and our role in ensuring that it will never happen again.

All three parties in this Legislature have endorsed Bill 66, An Act to proclaim Holocaust Memorial Day in Ontario. It is my ardent wish that it may become our united tribute to the memory of the victims of Kristallnacht and the European Holocaust, as well as people everywhere who have ever feared for their lives at the hands of their own government because of who they are or what they believe.

**Mr Monte Kwinter (Wilson Heights):** As we approach Holocaust Education Week, I rise to commemorate the 60th anniversary of Kristallnacht.

Kristallnacht, in the direct literal translation, in German means crystal night. The uninformed may think that crystal night refers to possibly a winter festival, a ballet, a symphony, anything but what it has gone down in infamy to actually mean, and that is the Night of Broken Glass.

On November 7, 1938, Herschel Grynszpan, a 17-year-old Polish Jew, who was living with his uncle in Paris, had heard that his mother, his father, his family had all of their possessions taken away from them and they had been expelled back to Poland. He was so despondent that he decided he would retaliate by trying to assassinate the German ambassador in Paris. He went to the embassy and found that the ambassador was not there, so instead he shot the third secretary, Ernst vom Rath. Rath died on November 9, 1938, two days after he was shot.

Using Rath's death as the provocation, Adolph Hitler ordered propaganda minister Joseph Goebbels to unleash a well-orchestrated spontaneous demonstration across Germany and Austria to incite Germans to "rise in bloody vengeance against the Jews."

On November 9, mob violence broke out as the regular German police stood by and crowds of spectators watched. All over Germany, Austria and other controlled areas, Jewish shops and department stores had their windows smashed and contents destroyed. The litter of broken glass that was left in the aftermath led to the ironic designation "Kristallnacht."

The toll of the night's violence included 91 Jews killed, hundreds seriously injured and thousands more humiliated

and terrorized. About 7,500 Jewish businesses were destroyed and 267 synagogues burned, with 177 totally destroyed.

Police were ordered not to interfere. Moreover, on orders from Reinhard Heydrich, chief of the Sicherheits-polizei, the secret police, the Gestapo arrested 30,000 wealthy Jews, who were to be released only on condition of emigration and surrender of their wealth.

The Nazis characterized Kristallnacht as the fault of the Jews and within a week interior minister Hermann Goring ordered several further repressive actions against Jews. Imagine: He fined the Jewish community one billion marks for inciting this activity, and he also provided a prohibition against Jewish use of public parks, public transportation, schools and even hospitals. Six million marks which were paid by the insurance companies to the owners of the wrecked businesses were confiscated by the Nazis as a penalty.

The reaction outside Germany to Kristallnacht was shock and outrage, creating a storm of negative publicity in newspapers and among radio commentators that served to isolate Hitler's Germany from the civilized nations and weaken any pro-Nazi sentiments in those countries. Shortly after Kristallnacht, the United States permanently recalled its ambassador.

Kristallnacht and its aftermath marked a major escalation in the Nazi pogrom of Jewish persecution.

Kristallnacht turned out to be a crucial point in German policy regarding the Jews and led directly to another interesting term: "Endloesung der Judenfrage," final solution of the Jewish question, which was the actual beginning of what is now called the Holocaust.

As we commemorate the events of 60 years ago, it is wise to note that only those who remember the past have a future.

**Mr Bud Wildman (Algoma):** As we remember Kristallnacht and enter into Holocaust Education Week, we should be spurred to stand firmly against all violations of human rights around the world. As has been described, Kristallnacht was the beginning of the escalation of the Nazi campaign of intimidation, terror and overt racism against the Jewish people, which steadily escalated to the infamous final solution of the Nazi death camps.

Intimidation, racial discrimination, scapegoating, misappropriation of private property, incarceration, torture, slave labour and genocide are not part of acceptable government action in the civilized world, and as a sidebar, neither are they part of the normal duties of a head of state. This was recognized subsequent to the war at the Nuremberg court by the international community, despite the recent ruling of an English high court.

#### 1420

Kristallnacht is a symbol of the folly of the universal human condition. It's important for us as Canadians to remember and to acknowledge that with Kristallnacht European Jewry cried out for assistance, support and sanctuary to assist them to escape the Nazi pogrom. Too often those cries for help went unheeded by western democracies, including Canada. Our efforts to provide



sanctuary to Jewish refugees in retrospect were little more than perfunctory prior to the Second World War.

It's ironic that those few heroic efforts to save Jews from the Nazis, like those of Raoul Wallenberg, subsequently were rewarded apparently with disappearance, incarceration and perhaps death at the hands of another totalitarian regime which has only now recently collapsed as we approach the millennium.

I believe that Kristallnacht challenges all of us to provide sanctuary from oppression, to combat racism and violence wherever we find it, in our own communities and in countries around the world. Kristallnacht raises the question, are we bound to repeat our mistakes and the mistakes of the 1930s? The picture of the young man standing before the tank at Tiananmen Square challenges us in terms of our response to the violations of human rights, the violence, the torture, in the largest country in the world. I believe the world's muted and ineffectual response to racism, torture and genocide in central Africa in this very decade is at least discouraging evidence that we haven't learned a great deal from Kristallnacht.

War crimes tribunals like the one in Rwanda or the Hague in the Netherlands are, however, encouraging, if tentative, evidence that humankind will not allow violations of human rights, ethnic cleansing and genocide to go unpunished in the 1990s. Criminal prosecution after the fact, however, is not a sufficient response to meet the challenge of Kristallnacht. The world community must learn to act in concert to prevent human rights violations, state terrorism, torture and genocide. The proof of our commitment to prevent such violations will be seen and demonstrated in the world community's efforts in Serbia, Bosnia and the Congo.

I suppose hope springs eternal, however. We can look at other examples. We can look at the example of South Africa. We can look at the example of Northern Ireland. That spurs all of us to hope that violence, hatred and terrorism can be overcome.

The memory of Kristallnacht challenges all of us to achieve peace in the Middle East for the Israelis and the Palestinian people and around the world. For us Canadians, that challenge begins at home, where we must combat violence, hatred and racism throughout our communities.

## REPORTS BY COMMITTEES

### STANDING COMMITTEE ON ESTIMATES

**Mr Rick Bartolucci (Sudbury):** I beg leave to present a report from the standing committee on estimates.

**Clerk at the Table (Ms Lisa Freedman):** Mr Bartolucci from the standing committee on estimates reports the following resolution:

Resolved, that supply in the following amounts and to defray the expenses of the following ministries and offices

be granted to Her Majesty for the fiscal year ending March 31, 1999:

Ministry of Health —

**The Speaker (Hon Chris Stockwell):** Dispense? Agreed.

## INTRODUCTION OF BILLS

### FAIRNESS FOR PROPERTY TAXPAYERS ACT, 1998

#### LOI DE 1998 SUR LE TRAITEMENT ÉQUITABLE DES CONTRIBUABLES DES IMPÔTS FONCIERS

Mr Eves moved first reading of the following bill:

Bill 79, An Act to amend the Assessment Act, Municipal Act, Assessment Review Board Act and Education Act in respect of property taxes / Projet de loi 79, Loi modifiant la Loi sur l'évaluation foncière, la Loi sur les municipalités, la Loi sur la Commission de révision de l'évaluation foncière et la Loi sur l'éducation en ce qui concerne l'impôt foncier.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House the motion carry? Carried

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** The Fairness for Property Taxpayers Act, 1998, will protect small business owners, the backbone of Ontario's economy, from crippling and unnecessary property tax increases. If passed, it would guarantee that no commercial or industrial property owner would face a tax increase related to property tax reform of more than 10% in 1998, 5% in each of 1999 and 2000.

When this bill is at standing committee, we intend to introduce amendments that will protect multi-residential property owners and tenants under the same formula as commercial and industrial properties.

This bill also proposes to extend the deadline for filing assessment appeals for 1998 to December 31, 1998, and to extend to December 15, 1998, the deadline for landlords with eligible gross leases to notify tenants of the obligation to pay property taxes or business improvement area charges for 1998.

It will ensure that municipalities help create a positive environment where small business property owners can grow, prosper and create jobs.

### SAVING LOCAL GOVERNMENT IN NORFOLK AND HALDIMAND ACT, 1998

#### LOI DE 1998 VISANT À PRÉSERVER LE GOUVERNEMENT LOCAL À NORFOLK ET À HALDIMAND

Mr Barrett moved first reading of the following bill:

Bill 80, An Act to eliminate the regional level of municipal government in Norfolk and Haldimand, to cut duplication and to save taxpayers' money / Projet de loi

80, Loi visant à éliminer le niveau régional du gouvernement municipal à Norfolk et à Haldimand ainsi que le double emploi et à faire réaliser des économies aux contribuables.

**The Speaker (Hon Chris Stockwell):** Is it the pleasure of the House the motion carry? Carried.

**Mr Toby Barrett (Norfolk):** This bill, if enacted, would eliminate the regional level of government imposed on the former counties of Norfolk and Haldimand in 1974. The Saving Local Government in Norfolk and Haldimand Act, 1998, if passed, will eliminate regional government and allow citizens, local councils and regional councils to propose a form of restructured local government that is in keeping with the wishes and the financial means of the residents. Before submitting any restructuring proposal, a municipality must hold public meetings in each area municipality and allow any person attending the opportunity to speak. The goal is to reduce duplication and save taxpayers' money while at the same time creating a system that allows citizens themselves to help design and create the new form of local government.

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## STATEMENTS BY THE MINISTRY AND RESPONSES

### ECONOMIC STATEMENT

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I am pleased to provide the Legislature and the people of Ontario with a report on the province's finances and the state of the Ontario economy.

Over the last three years, Ontarians have worked together to get this province back on track.

Our government has cut taxes, reduced the deficit, restored sound fiscal management practices, refocused core spending and reinvented the way government works.

The changes that the government has needed to make since 1995 have not always been easy. The actions we have taken have positioned Ontario to continue to grow and to create jobs.

Over the last three years, economic growth in Ontario has become both stronger and more broadly based.

Since the 1995 speech from the throne, the Ontario economy has added 408,000 net new jobs. This is over 48% of the jobs created in the country during this period, even though Ontario accounts for less than 38% of the population.

Ontario's unemployment rate is now 7.1%, down from 8.9% when we assumed office, and well below the national unemployment rate of 8.3%.

Consumer spending has increased by 3.6% a year over the last three years, triple the rate of growth in the first half of this decade. Business investment has increased by 7.3% per year.

Ontario's economic momentum and sound fundamentals have resulted in continued strong growth in 1998.

So far this year, Ontario's international exports are up 6.7%; consumer spending is up 5.6% and the second quarter alone saw a 2.3% increase, the strongest quarterly gain in 12 years; machinery and equipment investment is up 6.8%; commercial and industrial building permits are up 33%; auto sales have increased by 7.4% for the first eight months, and as a whole are expected to be the best in over a decade.

By the end of September this year, the Ontario economy had created 195,000 net new jobs. In that month alone over 62,000 net new jobs were created — over 85% of the national total.

In the 1998 budget, the province presented its fiscal plan based on a cautious assumption of real growth of 3.5% for 1998.

I am pleased to report that the government now estimates that the economy will achieve real growth of at least 3.7%. This is still a cautious and prudent estimate. On average, private sector forecasters are expecting real economic growth of 4% in Ontario this year.

The late spring and summer marked a period of volatility in international financial markets, stemming from problems in Asia, Russia and elsewhere. The impact of these events spilled over on to the North American stock markets, including the Toronto Stock Exchange.

The Bank of Canada raised interest rates by one percentage point, to stop a slide in the Canadian dollar resulting from declining commodity prices.

In response, private sector forecasters reduced their forecasts for many of the world's economies. The range of forecasts is wide, reflecting uncertainty about the world financial situation. For Ontario, the most recent private sector forecasts range from 3% to 2.2% real GDP growth for 1999.

More recently, the US Federal Reserve took unexpected, firm action to maintain the high level of performance of the US economy by lowering interest rates. Interest rates in Canada have since moved down as well, and stock markets have begun to recover.

International agencies such as the International Monetary Fund, the World Bank and the G7 have also demonstrated their capacity to ensure that problems in individual countries do not impair the operation of the global financial system.

These are all positive and encouraging signals.

The Ontario economy is well positioned to weather the impact of recent world economic events.

Raw material prices have fallen sharply, but the primary sector accounts for just 2% of Ontario's gross domestic product.

Ontario's exports to Asia represent 3% of total exports, which is the equivalent of only 1.3% of GDP.

The United States accounts for 90% of Ontario's international exports, equal to about 40% of Ontario's GDP.

Private sector forecasters expect continuing high levels of domestic demand in the US, and economic growth in excess of 2% for 1999. Ontario will also benefit from lower US interest rates.



Over the next few years, private sector forecasters expect Ontario to achieve greater economic growth than the rest of Canada or any of the G7 major industrial countries, even after world economic events are taken into account.

Governments can support economic expansion by cutting taxes.

All provinces have agreed with Ontario's call on the federal government to reduce EI premiums to \$2.20 per \$100 of insurable earnings and to totally eliminate EI premiums for youth. These actions would create up to 200,000 jobs across the country, and they would be of particular benefit to low-income workers, youth and small businesses.

There will be a cumulative surplus in excess of \$19 billion in the EI account by the end of this year. Contributions from working people and employers in Ontario account for about two thirds of that amount.

Ontario expects that the federal government will fulfill its promise and take a balanced approach to the use of its fiscal surplus this year and next. Restoration of funding for health care and other social programs under the Canada health and social transfers, EI premium cuts and debt reduction are all achievable if the federal government adopts a phased-in approach.

One of the reasons that Ontario's growth has been strong is the tax cuts implemented by this government. Since our government was elected, we have announced 66 different tax reductions. Cutting income taxes helps to create jobs by leaving more money in the pockets of hard-working taxpayers to spend for the benefits of their families, spending that fuels business investment and job growth.

In July of this year, six months ahead of schedule, the government implemented the final phase of its 30% personal income tax cut. This means that more than 90% of Ontario taxpayers are receiving a cut in Ontario income tax of at least 30%. Almost \$3 billion, or 64%, of the tax reduction remains in the hands of nearly three million middle-income taxpayers in Ontario earning between \$25,000 and \$75,000 a year. Ontarians with modest incomes get the largest percentage reductions.

This year, Ontario accelerated its three-year plan to exempt the first \$400,000 of private sector payrolls from the employer health tax. Small businesses that no longer pay the EHT are better able to hire and expand, and that means more jobs for Ontarians.

In the 1998 budget, our government announced that it will stimulate job growth further by cutting the corporations tax on small businesses in half over the next eight years, to 4.75%, which will be the lowest rate in Canada.

In my budget, I also announced that the government will cut business education taxes in municipalities where these tax rates are above the provincial average, starting with a \$64-million cut this calendar year. When fully implemented, in eight years, this will amount to a reduction in business education taxes of over \$500 million from current levels.

Recently, the province stepped in to ensure that municipalities implement Ontario's new, up-to-date property tax system in a way that does not hit Ontario small businesses with unmanageable tax increases. No property taxpayer will face a tax increase as a result of property tax reform of more than 10% in 1998 or more than 5% in each of the years 1999 and 2000.

The economies that succeed in the future will be those with a culture of innovation, a skilled and flexible workforce and an infrastructure that supports growth and competitiveness. These attributes will reinforce a positive business climate, resulting in jobs and prosperity.

Ontario has made substantial progress towards meeting these objectives. Our government has promoted research and development and innovation and technology transfer through the R&D challenge fund and a broad range of tax measures. We have helped prepare people for tomorrow's work by investing in strategic skills training. We have created an infrastructure for growth and competitiveness by investing in Ontario's highways, including the province's northern highway network.

The Ontario Jobs and Investment Board, composed of some of the best and brightest leaders in business and the community, will build on this progress to ensure that Ontario meets the challenge of the new economy. Early in 1999, the board will advise the government on an economic strategy for the new millennium, a road map to help us build a stronger economy.

In the budget last May, I announced the 1998-99 deficit target of \$4.2 billion, which was \$600 million lower than the balanced budget plan of \$4.8 billion for the year. With more than half the year now gone, I am pleased to announce that based on the province's improved revenue performance this year, the \$650-million reserve will not be needed. That reduces the deficit outlook to \$3.6 billion, or \$1.2 billion lower than the original balanced budget plan target for this year, and \$7.7 billion lower than the \$11.3-billion potential deficit we inherited in 1995-96.

**1440**

The government has already surpassed its deficit targets for three years in a row, and this year we'll make it four in a row. We have done so despite deep federal cuts of \$2.8 billion to Ontario under the Canada health and social transfer since 1995-96. We have surpassed our deficit targets while ensuring that spending on health services for Ontarians is at least \$1.3 billion higher in 1998-99 than it was in 1995-96.

With continued fiscal prudence, the government will eliminate the deficit by 2000-01, as planned. The Ontario balanced budget plan will ensure that this objective is achieved.

The government has made tremendous progress in restoring Ontario's fiscal health, but the job is not yet finished. The costs of running deficits and accumulating debt are real, and they have a human face. The legacy of lack of fiscal discipline still haunts this province, and Ontario is spending more than \$17,000 a minute just to pay the interest on the public debt this year. At \$9.2 billion, public debt interest is almost half of what the pro-

vince will spend on important health care services such as hospitals, doctors and long-term care.

To ensure that the government is able to strengthen the programs and services that Ontarians value most while meeting the economic challenges of the future, the commitment to fiscal responsibility must continue.

Ontarians want to meet the needs of the province's growing and aging population. They want to build on the fiscal gains we've made in the past three years. They want to be protected from irresponsible deficits and tax increases in the future, and we will take the necessary steps to ensure that this happens very shortly.

With the province's finances back on track and a firm commitment to entrenching the gains, we will ensure that Ontario is one of the best places in which to live, work and raise a family.

**Mr Dalton McGuinty (Leader of the Opposition):** I want to take the Minister of Finance and the members of the government down from the 35,000-foot level to the street level. I have spent a great deal of time talking to ordinary Ontarians about what their experience has been as a result of the Mike Harris regime, and they have all kinds of stories to tell me about their loss of public confidence both in public health care and in public education in our province. Those are the real fundamentals. Those —

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Member for Ottawa-Rideau, come to order. I won't warn you again. Order. Leader of the official opposition.

**Mr McGuinty:** The fundamentals, in so far as I'm concerned, are connected with health care and with education. People out there are not talking about fiscal projections and signals from international markets. They're talking about the loss of their community hospital. They're talking about the loss of hospital beds. They're talking about Mike Harris's cuts to health care in Ontario. They're talking about the fact that people —

*Interjections.*

**The Speaker:** Look, you know, folks, I think Mr Eves got to make his presentation in reasonable calm, and the opposition was very reasonable when he did. I think it's fair to assume that the same can be given to the two opposition parties while they make their responses.

**Mr McGuinty:** They're talking about the fact that our patients are being stacked up in hospital corridors. They're talking about the fact that ambulances are being redirected from emergency department to emergency department because there's no room available. They're talking about the fact that we in Ontario now hold the distinction of having the fewest nurses per capita in the country. There is no place in Canada today where it is more difficult to find a nurse than inside an Ontario hospital.

This is the tragic aspect to all of this. More and more Ontarians are asking themselves: "What are they charging for MRIs in Michigan? How is it that I might jump the queue? How can I get my surgery ahead of other people?" And more and more who can afford to do so are asking,

"Why can't we have a second tier of health care in Ontario?" I want to make it perfectly clear that I stand against that development. We are in favour of one-tier, quality, publicly funded, publicly delivered health care in Ontario.

When it comes to education, people are talking about school closures. They're wondering why this government doesn't understand the value of a community school to that community, both in terms of the education it delivers to community children and the role that the community school plays in the very life of the community itself. They're talking about the loss of valuable educational programs like junior kindergarten, like adult education, like special education. They're talking about the loss of a good working relationship between governments, trustees, teachers and parents, because people understand that according to the fundamentals, we will never be able to deliver the best possible public education in Ontario unless we have a government that stops taking sides and starts pulling sides together when it comes to delivering education in Ontario.

The other tragic aspect of all of this is that there is a loss of public confidence in public education. More and more young couples who can't afford to do so are asking themselves, "What does it cost to send my child," or their children, "to private education?" Mark my words. This government will soon be talking, after the time of the next election, about voucher programs and charter schools. That's the route we are on right now, and I want to make it perfectly clear that we stand against voucher programs, we stand against charter schools and we stand for top-quality, publicly funded, publicly delivered education in Ontario.

I can tell you what else people are asking out there, parents and young people alike: If this government really understands the global economy and the need to cultivate a knowledge-based sector here in Ontario, why are they jacking up university tuition by 60%? Why are they deregulating tuition fees?

When people ask themselves today about the meaning of this government's financial projections, I ask them to ask themselves: How do you feel, knowing we've got the fewest nurses per capita in the country? How do you feel, knowing we've got the highest tuition fees in the country? How do you feel, knowing that we pay less to our universities than any other province in the country? How do you feel, knowing we've got the most slot machines in Canada inside our province? How do you feel, knowing we've got the dirtiest air and the dirtiest gasoline in the country?

1450

**The Speaker:** Responses, third party.

**Mr Howard Hampton (Rainy River):** Every day it becomes harder to reconcile what the Harris government is saying with what people see and experience in their everyday lives.

Today the finance minister boasts that Ontario's economy is doing very well, but when you talk to people out there on the street, they will tell you they feel an economy



that is slowing down. The Deputy Premier and finance minister seems to somehow want to take credit for the American economic boom. He leaves out of his commentary the fact that most of Ontario's exports, 90% of Ontario's exports, are going to the United States and he tries to underpitch the fact that it is in fact those exports that are helping our economy along. Deputy Premier, don't try to take credit for the economic boom in the United States.

What's really intriguing about this statement is that the finance minister says that his income tax scheme is helping modest- and middle-income families. But he leaves out that it is modest- and middle-income families who are paying the \$1,500-a-year increase in tuition fees; it is modest- and middle-income families that are being hit again and again and again by your property tax increases; it is modest- and middle-income families that are being hit by your health care user fees; and modest- and middle-income families that are watching their parents trying to deal with your prescription medicine copayment fees.

The truth of the matter is, Finance Minister, that the people who benefit from your income tax scheme are the 6% or 7% who are at the top of the income ladder. The rest of us are paying for that through cuts to health care, cuts to education, cuts to community services and a whole host of new and hidden taxes.

The reality is that people out there can't understand why the emergency rooms in the hospitals don't work. They can't understand why when you need home care you have to wait to get it and when you do get it is often rationed.

People across this province rally to save their neighbourhood school. You say you're spending more on education than ever before, but the parents and the students I saw this morning at Walkerville high school in Windsor know that their proposed school closure, a school closure that's driven by your education funding formula, is the way you intend to get the money to finance your income tax scheme. They know they don't benefit from what you're doing. They know they don't benefit from your cuts to education.

Then, as we saw here yesterday and the day before, you have your corporate friends, people like Andersen Consulting, who are going to make hundreds of millions of dollars at the expense of the Ontario public, hundreds of millions of dollars from taxpayers while they attack the most vulnerable in our society. We understand that they're doing well, we understand that they're going to get rich as they go out and attack the most vulnerable, again your government's true agenda.

I want to save some comments here. As I said, people out there know what's happening. They see health care being rationed, they see health care being cut. They know that this government's so-called increases in health care funding don't even keep up with the aging population, the growing population, nor the rate of inflation. They see these things happening. They see the closure of community schools, they see the rising tuition fees, and they know that what is driving this is you've got to get the money out of

health care, you've got to get the money out of education, you've got to get the money out of community services to finance your income tax scheme. They know that and they feel it, and they don't want you to cut education, they don't want you to cut health care to finance that income tax scheme. In fact, what they really want you to do is to start making those investments again in health care and education.

What I would say to you, though, Finance Minister, is that at least you're clear about your agenda. I listen to the Liberal Party day after day talk about how they would reinvest, yet we know that they endorse your tax scheme. They endorse the very tax scheme —

**The Speaker:** It's time for oral questions.

## ORAL QUESTIONS

### SCHOOL CLOSURES

**Mr Dalton McGuinty (Leader of the Opposition):**

My first question is to the Minister of Finance. I spent a great deal of time visiting local schools, community schools, that you are about to close. I encountered somebody by the name of Amanda Dawson at Rosedale school. She doesn't want her school to close. She's 10 years of age. She's in grade 5. She tells me that's where all of her friends are going to school. She wants to be able to graduate from there next year, together with three siblings. But that's one of the schools in the city of Toronto that you are forcing to close.

She made a bracelet that I've got here. It says "SOS Rosedale" on it. I'm going to ask one of the pages to deliver it to you, in keeping with my promise to her.

She wants me to ask you if you're going to save her school. So tell me, please, tell Amanda, tell the 30,000 children who will be affected by your school closures, if you are going to save their schools.

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** First of all, the government is not closing a single school.

*Interjections.*

**Mr Bud Wildman (Algoma):** Boards don't have any power any more and you know it.

**Hon Mr Eves:** It's true. Boards make these decisions. He will know that school closures have gone on in this province for many years and that they are decisions made by school boards. He will also know that when his government was in power 136 schools were closed in the province of Ontario. He'll also know that when the NDP were in power 105 schools were closed.

There will be 25 new schools opening between now and January and there will be 200 new schools built in the province between now and the year 2001.

**Mr McGuinty:** Minister, you've got to remove yourself from this environment and get out there and go visit community schools.

Here are just some of the ones I visited in the past few days: Givins/Shaw, Ogden, Cottingham, St Paul, Park, St Mike's, John English, George Gauld, Palmerston, St Raymond, Courcellette. These are community schools. They are active, they are vibrant, they are dynamic, they are alive and doing well.

The people there are simply asking that you leave them alone. I'm going to ask you once more on their behalf. Will you save their schools?

**Hon Mr Eves:** As I understand it, the Minister of Education extended an invitation to the chair of the Toronto District School Board yesterday to sit down and discuss how she feels she is going to meet or the board is going to meet the pupil places funding formula in the province.

In addition to the 200 new schools that will open in this province between now and the year 2001, the Provincial Auditor's report, which your party and yourself on occasion love to quote — the auditor's review of school boards found that they don't always manage their school space properly. The Provincial Auditor stated that he feels that the government's new funding model for pupil accommodation will encourage boards to more prudently manage their facilities.

Do you disagree with the Provincial Auditor, I say to the leader of the official opposition? Maybe you could respond with a simple yes or no answer in your second supplementary.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Stop the clock. Final supplementary.

**Mr McGuinty:** The minister's approach to this is all too revealing. He tells us that he relies on the Provincial Auditor and generally accepted accounting principles to dictate what's going to happen insofar as public education is concerned in Ontario. I happen to believe that there is much more to schooling in Ontario, much more to education, than generally accepted accounting principles. There is more to our community schools than square footage and the cost of heating and lighting. Community schools constitute the heart and soul of a community. If you shut down the school, you're cutting out the heart and soul of a community. Why don't you recognize that?

**1500**

Set aside the accounting principles for a moment. Set aside the bottom-line approach that you bring to life. Forget that this is not a business. It's public education. Is anybody over there going to stand up for public education in Ontario?

**Hon Mr Eves:** I say to the leader of the official opposition, absolutely. The Toronto District School Board currently operates 80 schools for administration and other purposes, along with six additional administration offices that they don't need. They currently own space for 100,000 more students than they teach in their system. They pay 50% more per pupil for maintenance and operations than the Catholic board in the very same city. The Toronto District School Board can and must find efficiencies in its administrative offices — I agree with

you — so they can spend the money where they're supposed to spend it: on the students in the classroom.

## CHILD CARE

**Mr Dalton McGuinty (Leader of the Opposition):** The second question is for the Minister of Community and Social Services. Earlier today I visited Pride in Heritage daycare. That's a daycare located at Gateway school. It's one of 287 daycares located at schools in Toronto. Those 287 daycares serve 14,000 Toronto children. Each and every one of those children faces eviction as a result of Mike Harris's funding formula.

Minister, what plans have you made to assure us that not a single one of those 14,000 children will lose their daycare space in Toronto?

**Hon Janet Ecker (Minister of Community and Social Services):** I would suggest that the school boards think very carefully about their priorities when they're considering what schools they're looking at. As we've heard before, there's a list out there that has caused a great deal of angst to parents. The board has choices. I don't think shutting down daycares is an appropriate choice for the board.

**Mr McGuinty:** These guys really like to have it both ways. This funding formula specifically provides that there is no coverage for heat, for light and for maintenance for any space offered to children who are in daycare in Toronto public schools. But this minister stands up and says it's up to school boards to get the priorities right.

I'm asking you on behalf of those 14,000 children: What are you going to do to assure them and their parents that those spaces won't be lost? There is every indication that they will be, based on the funding formula that you support.

**Hon Mrs Ecker:** First of all, the funding formula and the guidelines that have come out from the Ministry of Education very clearly tell the board that existing daycare spaces are exempt from the calculations, so they are able and have the flexibility to make the decisions that would allow them to protect that space.

**Mr McGuinty:** Daycare spaces are not funded. You're not going to pay for any of the heat, none of the light and none of the maintenance for any children who are in public schools accessing daycare. Any progressive, forward-thinking government now understands that daycare has to be seen as part of the continuum of the investment that we make in our children. Instead of moving away from daycare in our public schools, we ought to be thinking about how we could possibly integrate daycare inside every single public school in Ontario. That's the way we should be going.

I'm asking you again: What are you doing, as the minister responsible for daycare in Ontario, to ensure that we don't lose those 14,000 spaces?

*Interjections.*

**The Speaker:** Member for Niagara Falls, you're out of order. You're not in your seat. Member for Durham East



as well. Heckling is out of order, but it's particularly out of order if you're not in your seat.

I remind the opposition members as well, if you're going to heckle, it's out of order, but at least have the decency to go back to your own seat. Thank you. Minister.

**Hon Mrs Ecker:** This government has done a great deal to support daycare in this province. We've increased funding to support daycare. It is a mandatory service that municipalities offer as part of the social service network of services. We have increased the amount of money for those families in low-income working circumstances so they can help afford child care support. It's a very important support for working parents. That's why we have the child care supplement for working families. Over \$140 million is going into that to help those families pay for daycare. We continue to subsidize 80% of those daycare subsidies out there. We have not changed that policy.

I would also like to tell the member opposite that there are more child care spaces and more licensed centres today in this province than there were when we came into government.

#### HEALTH CARE FUNDING

**Mr Howard Hampton (Rainy River):** This is to the Minister of Finance. The Minister of Finance boasted today about his income tax scheme in his economic statement. What you don't say is that you're financing your income tax scheme on the backs of the sick and the elderly in this province. You try to tell people that your health care budget is increasing, but it doesn't even keep pace with the aging of our population, the growth of our population or the inflation rate. You know you're creating health care chaos. That's why the Premier is running around the province trying to do damage control and handing out late cheques.

Minister, I've got a suggestion for you. If you were to roll back just the very top of your income tax scheme, the part that benefits the 6% who are at the top of the income and wealth ladder, it would give you \$1.5 billion to put back into health care. Would you do that for health care and for the people of Ontario?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** First of all, the leader of the third party is still operating on the fallacy that a provincial income tax cut has cost revenue to the province.

**Mr James J. Bradley (St Catharines):** It has.

**Hon Mr Eves:** It has not. If you would kindly turn to page 49 in Ontario's Economic and Fiscal Review, you will see that the taxation revenue generated to the province of Ontario today in this fiscal year is \$5.6 billion higher than it was the last year you were in office. How do you explain that?

1510

**Mr Hampton:** I think it is truly indicative when you ask the Minister of Finance if he will really put money back into health care and he replies with a bombastic answer about how much his income tax scheme is benefiting the most well-off.

Minister, let me give you an example of what your cuts to health care are doing. Riverdale Hospital found out yesterday that its worst nightmare had come true. Despite the fact that they have 35 years of experience, that they have the building, the land, the experienced staff and the money to do the job, despite the fact that the health care restructuring commission recommended them, their application for long-term care beds has been rejected.

This is what your cuts to health care, as much as you try to disguise them, are doing out there. My simple question to you is this: We know that everyone else in the province is paying user fees for this, hidden taxes for that. If you really care about health care, roll back even just part of that \$1.5 billion and put it back where it'll do the most good.

**Hon Mr Eves:** First of all, when the leader of the third party was sitting at the cabinet table, his government thought it was sufficient to spend \$17.4 billion a year on health care. This year here in the province of Ontario we will be spending in excess of \$18.9 billion on health care. How is it that we're spending \$1.5 billion more than you spent? I don't understand where you have room to criticize. Why weren't you spending the \$19 billion when you were there, if it was so damn important to you at the time?

**Mr Hampton:** Part of the charade: This minister wants to ignore the fact that the population has grown, the population is aging, and the inflation rate is up.

*Interjections.*

**The Speaker (Hon Chris Stockwell):** Member for Ottawa-Rideau, come to order. Minister, come to order as well.

*Interjection.*

**The Speaker:** Member for Ottawa-Rideau, come to order.

I've cautioned the government members. Can you please come to order.

*Interjection.*

**The Speaker:** Member for Durham East.

**Mr Hampton:** The fact is that on a per capita basis across this province you're investing \$16 less per capita in people's health care now than was invested in 1992. This is what it's doing: For example, Elizabeth Innis, an 80-year-old woman, was released from Scarborough General Hospital last week. She went home and was told to get home care. It took six days for home care to call on her. By then she was so dehydrated that she had to go back in hospital. The home care deliverer in this case is Olsten home care, a private, for-profit American company that's under investigation for fraud, negligence and improper billing in Florida, New Mexico and Washington. These are the kinds of companies that you are now bringing into the health care system.

Minister, will you go back and look at the books again? Will you put health care back on the track it needs to be on in Ontario, stop underfunding health care, stop using corporations like Olsten, and give people like Elizabeth Innis the health care they need and they deserve in this province?

**Hon Mr Eves:** The leader of the third party apparently didn't hear the answer to his first supplementary. We are spending this year in Ontario \$1.5 billion more than you thought it was appropriate to spend on health care in the fiscal year 1995-96. That's a fact. We're doing this in spite of the fact that their federal cousins in Ottawa have cut transfer payments for health care and post-secondary education by \$2.8 billion over the same period of time. We are spending the most amount of money per capita on health care than any other province, with the one exception of British Columbia.

### SOCIAL ASSISTANCE

**Mr Howard Hampton (Rainy River):** To the finance minister again: The fact of the matter is you have cut funding for health care on a per capita basis by \$16 per person in this province since 1992. The fact of the matter is that much of your so-called health care spending is one-time restructuring money for the purpose of laying off nurses and closing facilities.

You talk about wealth creation. We understand you're creating wealth for people like Andersen Consulting. You're paying Andersen Consulting \$500 an hour to go out there and attack the poorest people in Ontario. We know, for example, that Andersen Consulting is heading up a project where they look in social assistance files, and if one thing is missing from the file in terms of information, they cut that person off. Minister, is that how you create wealth in Ontario, attack the poor and help your corporate friends?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** I'd like to refer this question to the Minister of Community and Social Services.

**Hon Janet Ecker (Minister of Community and Social Services):** As the honourable member knows, Andersen Consulting has nothing to do with eligibility decisions as they pertain to people on welfare. This province believes in wealth creation and this government believes in generating wealth out there. We're doing that by getting 323,000 people off welfare into paid jobs. We know they want to be there; we know they're better off there; we know children are better off when they're in the workforce. That is the result of our welfare reform: fewer people on welfare, more people working.

**Mr Hampton:** The Centre for Social Justice issued a report three weeks ago that tells the real story of what this government's income tax scheme for the wealthy is doing to the people of Ontario. It tells the story that the gap between those who are wealthy and those who are not wealthy is growing. It tells us that the middle class in this province is very quickly being shredded by your government and is disappearing. This is another study, from church groups. It tells us what's happening to people out there who can't get health care, people out there who can't get the education they need.

Is this the true story of Mike Harris's Ontario, the rich get richer, the poor get poorer and the middle class

disappears? Is this something you're proud of in the province of Ontario?

**Hon Mrs Ecker:** The record of this government is fewer people on welfare, more people in the job force working, fewer children on welfare, more health care spending, more spending in the classrooms and the education system, fewer low-income people paying taxes. That is the record of this government. The voters voted for this in 1995. We're taking the direction they wanted and we're very proud to defend that record.

**Mr Hampton:** It is an undeniable fact, and study after study confirms this, and they also confirm that this government's income tax scheme is contributing to it: Now in Ontario the 10% at the top have 314 times the income of the people at the bottom. That is what's happening in your province; that's what is happening under your government. It is an undisputed fact that the middle class in this province used to make up about 60% of the province. We're now down to 44% of the province. It is an undisputed fact that the wealthiest people in this province will get on average over \$15,000 a year from your income tax scheme, and the poorest people in this province will get less than \$150 per year out of your income tax scheme.

I say again to you, is this your definition of a good thing in this province —

**The Speaker (Hon Chris Stockwell):** Answer.

**Mr Hampton:** — when people who are at the top are becoming that much wealthier, people at the bottom are falling behind, people in the middle are struggling and we are all losing the health care system we need —

**The Speaker:** Thank you.

**Hon Mrs Ecker:** What the honourable member doesn't mention is that when many of those studies talk about the decline in family income, the cause of the decline in family income is not because they're earning less; it's because governments in this country have been taxing them more. They've been taking dollars out of the pockets of hard-working families. The government has been taking it and spending it itself.

The member is referring to our tax cut. The top 10% of taxpayers in this province now pay a greater proportion, a greater portion of Ontario's income tax revenues than they did before our cut. The top 1% of taxpayers pay a bigger share, 18.9% of income tax revenues, compared to 16% before the cut. Not only that, but there are fewer low-income taxpayers in this province paying any Ontario income tax than before this government came in. The honourable member says he worries about people in low-income working circumstances. Then why did he increase their taxes when his government was in power?

1520

### ENVIRONMENTAL PROTECTION

**Mr Dominic Agostino (Hamilton East):** My question is to the Minister of the Environment. Two days ago the Provincial Auditor again slam-dunked you and your failings as minister in trying to protect the environment and the health of Ontarians. In his 1996 report, the auditor



singled out 226 air pollution standards that were out of date and needed to be upgraded. Since that time we have learned that anywhere from 1,800 to 6,000 people a year die due to poor air quality in Ontario. Your response to this concern in 1996 was that you had developed "an aggressive three-year plan" for setting and updating these standards. They were your words, your response, in 1996. Two days ago the auditor said that you had not changed one of those 226 standards, you had not updated one of those 226 standards.

**The Speaker (Hon Chris Stockwell):** Question.

**Mr Agostino:** In view of the fact that you know how many people die every year in Ontario as a result of poor air quality, it is another indication of your failure as minister, another indication of your incompetence as minister. Can you explain to the House why you failed to act on these recommendations on the 226 made two years ago and why you continue to —

**The Speaker:** Thank you, Minister.

**Hon Norman W. Sterling (Minister of the Environment, Government House Leader):** Of course the auditor is pointing out where we can make improvements, and we support that process. The auditor referred to a 1992 report where the Ministry of Environment, long before we came into power, pointed out that the air quality standards hadn't been revamped for some 20 years. That goes back into the previous administration, the Liberal administration, and long before that.

We have put in process a revamping of those air quality standards. It's a disappointment to me that my ministry has not been able to deliver on that at this point, but we are now poised to put forward approximately 25 of these air quality standards. I've said to my deputy minister he has got to do better than he has done in the past.

**Mr Agostino:** That's an absolutely disgraceful answer. You are the minister. You are in charge. If it's not good enough, then you're not doing your job. Don't blame the bureaucrats once again. Don't blame the bureaucracy. You give the orders. You have the limo. You make the decisions. I think it is gutless of you to blame the bureaucrats for your failure to take care of the health and well-being of Ontarians. If you can't accept that responsibility, then you should step aside.

This is the second time, Minister, for you and your Premier blaming bureaucrats for your screw-ups and bumbblings. You have done the same thing in hazardous waste: 11,000 companies were sent surveys in 1996, according to the auditor, and only 3,000 responded. You do not know about 8,000 companies in this province that produce hazardous waste and what they do with that waste, because you have failed to follow up. You have screwed up on air quality and you have screwed up when it comes down to hazardous waste.

Minister, you're incompetent. You are screwing up. I appreciate the idiot behind you who's doing the hand signals, the junior minister of health, but very clearly this is senior —

**The Speaker:** I think it's unparliamentary to make that comment, and I ask you to withdraw.

**Mr Agostino:** I withdraw.

**The Speaker:** Question.

**Mr Agostino:** Minister, why have you failed to act on the 226 changes required and why have you failed to follow up on the 8,000 companies that did not report to you what they were doing with their hazardous waste?

**Hon Mr Sterling:** In fact we have followed up on the 8,000 companies that were pointed out in the auditor's report. We did go to a number of those former waste producers. We found that they are no longer shipping waste, some as a result of different kinds of processes that they are using, some having gone out of business etc. In fact the 8,000 former waste producers are no longer producing the waste. Everyone is in compliance with the law. There was no evidence that anyone was breaking the law and therefore there was no problem.

The auditor also congratulated us on our ambient air monitoring network, on the data management that we have within our ministry, and also on the utilization of our marine resources.

We take his advice seriously. That's what the auditor's report is about, and we will in fact improve again next year.

#### EDUCATION FUNDING

**Mr Howard Hampton (Rainy River):** I have a question for the Deputy Premier: Yesterday your Premier told everyone that before he was elected he had no plan to close hospitals. But after he was elected Premier, he sat down and listened to the experts, and they convinced him that he was wrong and that he should close hospitals. He should pay the political price and he should close hospitals.

Right now out there, your school funding formula is causing all kinds of chaos and the experts — people who have worked in educational finance, school trustees, parents — are telling you that you've got it wrong. I have a question for you. If the Premier could listen to the experts and decide to close hospitals, why not listen to the experts now and decide to change your school funding formula so that you don't have to create chaos in our schools?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** As I said in response to an earlier question by the leader of the official opposition, the Toronto Board of Education, for example, has space for 100,000 students more than it actually has. It has 80 schools that are not being used by the Toronto District School Board as schools. It has six extra administrative offices. I quite agree that the priority should be on money spent in the classroom on the pupils; not for seven administration offices as opposed to one, not for 80 schools that they're not using.

**Mr Hampton:** The Deputy Premier and the Minister of Education seem to want to ignore their own law, Bill 160, and the regulations under it which say that you can't take money out of the administrative pot and use it for operating classrooms. The school board could literally sell off all its administrative space and it wouldn't give them

one penny for the operation of their schools or their classrooms, so quit trying to put that by people.

I was in Windsor today, and the Greater Essex school board is going to be forced to close six high schools there. You're telling them to rent out all their space. They already rent out a lot of space and they have come back to you and said, "It won't give us the money to make up for the \$18.3 million cut that you're putting on our operational budget."

I say again to you, if the Premier could listen to the experts on health care and decide to close hospitals, why not listen to the experts on school funding and change the formula so you don't have to close 500 schools?

**Hon Mr Eves:** As I also said to the leader of the official opposition in response to an earlier question, 25 new schools will be opening in this province between now and the end of the year, and 200 will be opened between now and the year 2001.

How is it that the chair of the Toronto Catholic District School Board said about the funding formula: "We are extremely pleased that the minister has recognized the need to move our students into permanent, high-quality facilities. Today's announcement" — that's the very funding formula you're talking about — "is a good start to addressing the capital needs of this board."

1530

#### LONG-TERM CARE

**Mr Tom Froese (St Catharines-Brock):** My question is for the Minister of Long-Term Care. Last week, along with the Premier and the Minister of Health, you toured through London and Ottawa areas, highlighting locations where the government has expanded long-term-care services. Can you tell me today, Minister, if you have a plan in place to ensure that those expansions will continue across Ontario and particularly in St Catharines, Niagara-on-the-Lake and the Niagara region?

**Hon Cameron Jackson (Minister of Long-Term Care, minister responsible for seniors):** I'd like to thank the honourable member for his question and to indicate that this government has made a very strong commitment that we, through restructuring, shift a greater emphasis to the changing demographics of this province. We have more seniors living longer and therefore, after waiting 10 years for long-term-care beds, we're implementing new beds. But we're also expanding community-based care, and in the Niagara area we have increased by \$15.5 million the amount of home care. That's a 76% increase to undo some of the very discriminatory funding habits of the previous two governments. The citizens of Niagara finally now, under this government, are starting to get their fair share of health dollars through this expanded envelope of community-based care.

**Mr Froese:** Minister, two weeks ago you announced the locations of the first 707 of the 1,700 transitional long-term-care beds across the province. I was pleased to see that West Park Health Centre in St Catharines will accommodate 37 of those people with this new funding. Given that the Niagara region has the fastest-growing

seniors population in Canada, could you tell me and my constituents if you plan to add more long-term-care beds in St Catharines, Niagara-on-the-Lake and the Niagara region?

**Hon Mr Jackson:** Clearly, there has been a need in the St Catharines and Niagara area for many years. This has been, as I said, a decade when they've been discriminated against in terms of their fair share of access to dollars. Ten days ago I announced the first 707 new transition beds that were implemented. I released some in the Niagara Peninsula. Today I'm releasing another 103 of those beds which I have secured in the last week, including expansions at Tabor Manor in St Catharines. The member for St Catharines will be pleased to hear that. Pleasant Manor in Virgil is also receiving expanded beds. This government, within a week or so, will be announcing the locations of 100 new permanent long-term-care beds in the Niagara region. Our policies of restructuring are working and we are expanding community-based care.

**Mr James J. Bradley (St Catharines):** What about Hotel Dieu Hospital?

**Hon Mr Jackson:** The member for St Catharines mentions Hotel Dieu Hospital, and I again ask him, as I did last night, are you prepared to stand up in the presence of your leader and indicate that you're going to fund every single one of these hospitals in Ontario? Are you prepared to say that he's going to stand by —

**The Speaker (Hon Chris Stockwell):** New question, leader of the official opposition.

#### PROPERTY TAXATION

**Mr Dalton McGuinty (Leader of the Opposition):** My question is for the Minister of Finance. A short while ago, you introduced your seventh property tax reform bill. I have one specific question for you in relation to its implications for the regional municipality of Ottawa-Carleton, 11 municipalities in the Ottawa-Carleton area and the taxpayers of Ottawa-Carleton. You will know that this proposal you have put forward created a \$110-million headache for taxpayers in Ottawa-Carleton because of the implications for the federal government. It turns out that the biggest winner, it seems, would be the federal government as opposed to small business in Ottawa-Carleton. Can you provide your assurance right now that this bill — I have not had an opportunity to go through it in detail — addresses that problem and that you have secured the consent of the federal government to the solution, if any, contained in here?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** Indeed, the bill he is talking about has a clause that says the federal and the provincial governments shall pay their full share of payments in lieu. They are not going to be capped at 10, 5 and 5 like other business taxpayers are. They are expected to pay their full 100% share.

**Mr McGuinty:** That, Minister, is all fine and dandy. Have you obtained the consent of the federal government to this legislation? All indications from the federal minister were that he was not going to comply with any



such regulation or law passed by you. Have you secured their consent? Do we really in effect have a solution?

**Hon Mr Eves:** First of all, this government will lead by example. It will pay its fair share. I was talking to the finance minister of Canada yesterday afternoon at about 5 pm. I encouraged him to do the same thing.

As a matter of fact, the federal government had already cut the cheques to pay to the city of Ottawa its full share, until Mr Gagliano decided that perhaps he could renege. He saw an opportunity. The amount of money is already budgeted for 100%, so it's not like we're going to ask the federal government to pay more money than it was expecting to pay. It was expecting to pay it. They had the cheques cut. You might want to phone Ottawa and ask them why your federal cousins would want to renege on the city of Ottawa.

### SCHOOL CLOSURES

**Mr Rosario Marchese (Fort York):** My question is to the Deputy Premier. On Monday I went to Contact school — it's an alternative school — and there were over 200 parents there, along with students and teachers. Monday night I went to Charles G. Fraser and yesterday it was Orde Street public school; at Charles G. Fraser and at Orde there were over 200 parents. Deputy Premier, they tell me that I should tell you that they hold you, your buddy the Minister of Education and the Premier directly responsible for the possible closure of their schools.

They are not blaming, as you do, the teachers federations; they're not blaming the bureaucrats whom you call fat-cat bureaucrats; they're not blaming the school board or the school trustees; and they're not blaming the janitors, as you do. They blame your flawed funding formula. Are you going to review that flawed funding formula or not?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** First of all, the government is not blaming teachers for school closures. The provincial government is not blaming janitors for school closures. In fact, the provincial government is not blaming anybody for school closures. They are individual decisions by individual boards. Schools have been closing for different reasons in Ontario for many decades; 105 closed while your government was in power. These are decisions that are made by locally elected officials, as they should be.

**Mr Marchese:** Deputy Premier, the parents of these schools are saying they will not shut down. You are shutting them down with your funding formula. I know you're shaking your head in disbelief. It is hard for you to understand and/or possibly believe that this funding formula could be flawed; I appreciate that. These parents and the school board are reviewing your funding formula and, based on that, they're saying, "We've got to shut schools down because we're going to lose millions if we don't."

Parents, teachers and everyone else listening to this say, "We've got a problem." The problem is not with the school boards, which are obeying your rules based on the funding formula; the problem is with you and what you have devised. It is a mathematical system; it is a formula

not based on child care needs, not based on children's needs, not based on community needs. They are demanding that you review that formula and that you change it, otherwise many of those schools will shut down. Are you going to review that funding formula? Are you going to consider it? If you do not, schools will shut down, and the parents are saying they will not shut down.

1540

**Hon Mr Eves:** As I said earlier during question period, there are other options that the Toronto District School Board has. They currently operate 80 schools for administration and other purposes other than the teaching of their own students. They have six too many administration offices. I would urge the Toronto District School Board to consider those options. The government is willing to work with them. Yesterday, it's my understanding, the Minister of Education phoned the chair of the Toronto District School Board and asked that they sit down and have a meeting. She was too busy yesterday. I can understand that. I would encourage her and members of her board to sit down with the Minister of Education and go over options that are available to them.

### EMPLOYMENT STANDARDS

**Mr Douglas B. Ford (Etobicoke-Humber):** My question is for the Minister of Labour. I understand there has been a marked improvement in client service and enforcement in the employment standards program. Could you outline the recent accomplishments of the program?

**Hon Jim Flaherty (Minister of Labour):** I thank the member for Etobicoke-Humber for the question. The setting and enforcing of employment standards in Ontario workplaces is a significant and very important part of the work of the Ministry of Labour. I'm extremely proud of my ministry's accomplishments in this area. The ministry has established new performance standards which are designed to improve client service, with much-improved results.

We've introduced a number of operational changes to improve the quality of client service and we've addressed the employment standards claims caseload, with significant results. That caseload had grown to 9,786 cases by March 1992. By September of this year that has been reduced to 3,822, which is a drop of about 6,000 cases over the course of that period. The provincial target turnaround time for claims decisions has been improved: 70% of claims decisions have been made and communicated within 80 days. The Ministry of Labour is committed to improve client service for all the people who work in Ontario's workplaces.

**Mr Ford:** Minister, could you tell us how your ministry has managed to reduce the backlog?

**Hon Mr Flaherty:** This addresses the caseload issue with respect to the enforcement of employment standards. The caseload issue with respect to employment standards is important because it relates to the service the ministry is able to provide to people who work in the province who have concerns about overtime and working conditions in their workplaces. It is a very important issue, and I'm very

pleased that the ministry has accomplished its targets with respect to dramatically reducing that caseload, because that helps workers.

That has been done in part by a new program administration self-help kit, which is called Best Practices. We've also set performance targets, allowing the staff at the ministry to investigate cases and be responsive to workers much more quickly. There's also a complete review of the way we handle those claims processes underway, which again should help us to enhance client service for all the people who work in Ontario. Our goal is to ensure fair workplace practices for all Ontario workers.

#### LEGISLATIVE PAGES

**The Speaker (Hon Chris Stockwell):** At the start of the day I was remiss. Because of all the extra unanimous consents and so on, I forgot to mention that today is the last day for the pages. I want to just thank them very much. What a wonderful job they did.

#### SCHOOL CLOSURES

**Mr Joseph Cordiano (Lawrence):** I have a question for the deputy leader. I want to talk about Flemington Public School. It's a school in my riding that recently received an award, the National Quality Institute's highest award, the award for excellence. The award was based on the private sector's highest standards. Interestingly enough, the Minister of Education and I both attended the ceremony. In fact, the minister presented the school with the award. But guess what, Minister? This school is one of the schools that's targeted to be closed. It's obvious that it's your funding formula that's causing this school to be closed, and many others like it. Don't you think it's about time you admit that quality is being sacrificed in our system? Also, don't you think it's about time you admit that your funding formula has to be changed in order to save schools like Flemington public school, which is excellent?

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** Actually, I would concur with the member to this extent: I can see no reason why a school that receives an award for excellence such as he described, and the Minister of Education obviously acknowledged, would be closed. I would ask the Toronto school board why they're planning on doing that.

**The Speaker (Hon Chris Stockwell):** Supplementary.

**Mr Tony Ruprecht (Parkdale):** Our leader issued you a challenge to come face to face with students and teachers. I hope you're going to come tomorrow, Friday, to join us at Humewood school at 2 o'clock.

I have a question here that is directly related to the funding formula. Your formula to fund education here creates a disastrous result throughout Ontario, but especially in Toronto you're creating a city of the poor since you're cutting the heart out of some programs like skills development, for example, which provides students with skills to get jobs.

Let's look at Heydon Park especially. A school for inner-city girls, Heydon Park provides a last chance for education and productive careers to these girls. These girls come from all over Ontario and are at risk. If Heydon Park closes, where will they end up? On the street or maybe even on welfare, which you of course want to avoid.

**The Speaker:** Question.

**Mr Ruprecht:** Minister, I want you to make us a promise today. Will you change your funding formula, which you refuse to answer, you refuse to change, you refuse to get up—

**The Speaker:** Thank you, Minister.

**Hon Mr Eves:** In response to the honourable member, I would encourage the Toronto District School Board to sit down and look at administrative efficiencies it can find and also to accept yesterday's invitation from the Minister of Education for the chair to sit down with him and see what options the Toronto school board can pursue other than the one it seems to be bent on pursuing at the current moment.

#### LAND USE PLANNING

**Ms Shelley Martel (Sudbury East):** I have a question for the Minister of Natural Resources regarding his Lands for Life process. Minister, from the beginning of this process you have consistently refused to give the round tables the time they need to properly do their work. You have also consistently refused to give the public the information and the time the public needed to respond to what was happening.

In the consolidated report that was released last week, the round table chairs admitted that they were unable to complete their work because of your arbitrary deadlines. They also said that because of your deadlines, the public did not get a chance to see any of the 242 draft recommendations that were submitted to you in July, despite a public commitment that would happen. Minister, in light of this, can you explain why your government is giving the public only 30 days to respond to the 242 Lands for Life recommendations?

**Hon John Snobelen (Minister of Natural Resources):** I'm glad the member opposite asked the question today so that we can dispel any misinformation or illusions she might be under. In fact, what we have done with Lands for Life is extend the deadline for this public consultation twice. So the process itself has taken some 16 months to come to this point, where we've received these recommendations and are now making those recommendations public so that the public can have a chance to comment on them.

Included in those extensions was work by the chairs of the round tables to consolidate the three draft recommendations so that these recommendations could be put to the public in a way that was very user-friendly, so the public would have a better chance to understand about the deliberations and the recommendations of the round tables. I think that work speaks well about the public consultation process, it speaks about the passion the round



table members and the people who presented to them have about the future of our land use planning in Ontario and it speaks well for that process.

**Ms Martel:** I say to the minister that British Columbia undertook a similar land use exercise. It took them four years to complete this exercise. Your government has tried to ram this process through, first in a year; after the round table chairs appealed to you for more time, you extended it for another couple of months. But the round table chairs made it clear that none of the public saw any of the draft recommendations that were submitted to you. The public has not seen any of those recommendations and now they have only 30 days to reply.

1550

The other problem is you have consistently refused to provide the public with the social and economic impact analysis that will show how these land use designations will impact on our communities. Recommendation 159 in the report encourages you to do that. The round table chair for Boreal West also encouraged you to do that last week, yet you are asking people to comment on land use designations without them having any idea of how these will impact on their communities. Why have you consistently refused to do the economic studies that were needed so people would know how this would affect their communities?

**Hon Mr Snobelen:** I think the member opposite needs to take into consideration that this is probably the most extensive public consultation on public land use ever undertaken in the history of Ontario, certainly not a public consultation that was undertaken by your government when it was faced by these same kinds of issues. Rather than hide this in some backroom, we chose to go out and ask people across Ontario what they saw for the future of these lands and the resources that are so important to so many communities in Ontario.

We have released the recommendations that are made to me by the round tables. We've released those. We have provided 30 days for the public to comment on those recommendations. We'll take their comments very seriously on all 242 recommendations, including recommendation 159.

The ministry has been providing backup support to these round tables for the course of 16 months, providing them with scientific information, providing them with the best estimates we have of the impact of some of the recommendations. I think that information has been used to good advantage by the round tables and by the public at large, and I appreciate their participation in this process.

### ICE STORM

**Mr Doug Galt (Northumberland):** My question is directed to the Minister of Municipal Affairs and Housing. The ice storm this past winter caused unprecedented amounts of damage. We know that many homeowners, businesses and farmers were affected. No government can begin to anticipate how to go about providing relief to so many people, but the government has a crucial role to play in responding to disasters. Can you tell us what efforts

your ministry has made to help the people of eastern Ontario in the aftermath of the ice storm, and can you also provide us with an update on the efforts being made to settle relief claims to those affected by the storm?

**Hon Al Leach (Minister of Municipal Affairs and Housing):** I think all members of this House recognize that the ice storm that affected eastern Ontario and most of eastern Canada was the largest single disaster ever to hit this country. So far, six times as many claims have been submitted on the ice storm than there were for the Red River flooding in Manitoba. As everyone in the House knows, this government acted immediately and quickly to get emergency disaster funding to those who required it. As a policy of this government, and recognizing the extent of the storm, we also agreed to match locally collected charitable contributions by a rate of four to one, which was another precedent-setting number, recognizing the extent of the damage.

**The Speaker (Hon Chris Stockwell):** Answer.

**Hon Mr Leach:** I would also like to extend my congratulations to all the members of the community groups that took part in collecting that money. Some members of the opposition have been very critical of that process, but I would like to extend my —

**The Speaker:** Supplementary.

**Mr Galt:** In order to deal with a disaster of this magnitude, it is crucial that all governments work together. We know that the federal participation in the ice storm relief was indeed very important. I understand that you recently attended a conference of provincial ministers responsible for disaster relief to discuss federal-provincial co-operation in responding to disasters. Could you share with the members of this House the outcome of that meeting?

**Hon Mr Leach:** Yes, I did have an opportunity to travel to Winnipeg and meet with my counterparts from across the country to review a position that was unanimously agreed to by all the provinces. All the provincial ministers in attendance at that meeting agreed on the following points: The existing funding formula and commitment to the disaster financial assistance arrangement should be continued by the federal government. Any changes to the disaster financial assistance arrangement must be subject to a careful study, and we all agreed to take part in that study. We also agreed that a senior officials committee representing the federal government, the provincial governments and the territorial governments should be established to improve guidelines for the delivery of that financial assistance program.

**The Speaker:** Answer.

**Hon Mr Leach:** The ministers agreed that the federal program is of immense importance to Canadians in every corner of the country and its future role is very important and must be —

**The Speaker:** Thank you. New question.

### GOVERNMENT CONSULTANTS

**Mr Gerry Phillips (Scarborough-Agincourt):** My question is to the Minister of Community and Social

Services. Yesterday, Minister, you told us that Andersen Consulting had been thoroughly checked out. To use your words, "We checked with many other jurisdictions that had...good things to say about this particular company...."

The auditor informs us, however, that "the ministry informed us," when he asked about reference checks, "that it was unable to locate documentation prepared at the time of its reference checks for the short-listed vendors. Such reference checks are normally an integral part of the selection process and ought to be retained." In other words, they were destroyed. Whatever reference checks you had on Andersen Consulting were destroyed. Therefore, we now have no evidence of what was said in those reference letters. My question to you, Minister, is this: How could it possibly be, on a \$180-million contract, that the key, essential reference letters have been destroyed?

**Hon Janet Ecker (Minister of Community and Social Services):** First of all, the documentation was not destroyed. It was misplaced. It was reproduced for the auditor's verification. Also it confirms what I've said clearly in this House and what the auditor flagged: The management of this process was not acceptable. That's why we've taken the steps to fix it and to prevent such problems from happening in the future.

However, I'd also like to say that the decision to do this reform is a decision that was necessary to take. That computer system, that technology that over a million people depend on to get their benefit cheques quite literally is in danger of crashing. This reform, the expertise that we have from Andersen, is going to enable us to reform that, to change it, to fix it, so it will be there so those individuals can depend on it.

**Mr Phillips:** Somebody is in error here, is the most charitable thing I can say. The auditor checked the references. They weren't there. This is extremely important. Minister, you say they were there. The auditor says they weren't there. The auditor sent a letter to the ministry saying, "What happened?" The ministry said, "We're sorry, we can't find them."

You now say that these reference letters that the auditor wanted were all the time somewhere in the ministry. Will you now today commit to table here in the Legislature those reference letters that were provided by Andersen Consulting so we can see that what you're saying here today is backed up by the facts?

**Hon Mrs Ecker:** As the honourable member well knows, there are very specific rules around what documentation for public open tendering processes are allowed to be released. If this information is something the rules allow to be available on the public record, I'd be very pleased to table it.

#### ECONOMIC STATEMENT

**Mr Tony Silipo (Dovercourt):** I have a question for the Deputy Premier and Minister of Finance. I think he stepped out.

**The Speaker (Hon Chris Stockwell):** I don't think he's here.

**Mr Silipo:** I told him I had a question, so he may be coming back in.

**The Speaker:** You know what, you can't even stand it down. There's 30 seconds left. We're going to close it down at 4, so I suggest you redirect.

**Mr Silipo:** I'll ask whoever the acting Premier is then, and I'll ask the minister to come back and explain to us.

Earlier in the day, in answering a question, the Minister of Finance made a big deal —

**The Speaker:** I need to know who it's to.

**Mr Silipo:** To the acting Premier. I don't know who that is, Speaker. Maybe you could help me.

**The Speaker:** Minister of Housing.

*Interjections.*

**Mr Silipo:** The reason I wanted to ask the question directly of the finance minister is because earlier in question period the Minister of Finance made a big deal about the fact that from his perspective his income tax cuts are leading to more revenue coming into the coffers of the province. In fact, when you look at his own numbers, the opposite is true. If you look at page 49 of this document that he released today, if you look at the very first line, the personal income tax is actually down, under his own outlook, this year from last year and down even from the previous year.

I simply want to have the minister either correct the record or explain to me how these numbers mesh with the opposite statement he made earlier today and, more substantially, how it is that revenue is going down if, as the minister claims, his economic policy is working.

**The Speaker:** You've got 10 seconds. Minister of Finance.

**Hon Ernie L. Eves (Deputy Premier, Minister of Finance):** What I said during question period was that total revenues from all forms of taxation are up \$5.6 billion. When you allow Ontarians to keep more of their own —

**The Speaker:** Pursuant to standing order 30(b), I am now required to interrupt the proceedings and call orders of the day.

#### ORDERS OF THE DAY

##### HIGHWAY 407 ACT, 1998

##### LOI DE 1998 SUR L'AUTOROUTE 407

Resuming the adjourned debate on the motion for second reading of Bill 70, An Act to engage the private sector in improving transportation infrastructure, reducing traffic congestion, creating jobs, and stimulating economic activity through the sale of Highway 407 / Projet de loi 70, Loi visant à intéresser le secteur privé à améliorer l'infrastructure des transports, réduire la circulation engorgée, créer des emplois et stimuler l'activité économique par la vente de l'autoroute 407.



**The Speaker (Hon Chris Stockwell):** This was a time-allocated motion. Pursuant to the time allocation motion, I put the question.

Mr Sampson has moved second reading of Bill 70. Is it the pleasure of the House that the motion carry?

All those in favour, please say "aye."

All those opposed, please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1603 to 1608.*

**The Deputy Speaker (Mr Bert Johnson):** Order.

Mr Sampson has moved second reading of Bill 70, a bill regarding the sale of Highway 407.

All those in favour, please rise one at a time and be recognized by the Clerk.

#### Ayes

Barrett, Toby	Gilchrist, Steve	Rollins, E.J. Douglas
Bassett, Isabel	Grimmett, Bill	Ross, Lillian
Boushy, Dave	Guzzo, Garry J.	Runciman, Robert W.
Brown, Jim	Hardeman, Ernie	Sampson, Rob
Carroll, Jack	Harrick, Charles	Shea, Derwyn
Chudleigh, Ted	Hastings, John	Sheehan, Frank
Clement, Tony	Kells, Morley	Smith, Bruce
Danford, Harry	Leach, Al	Snobelen, John
DeFaria, Carl	Leadston, Gary L.	Sterling, Norman W.
Doyle, Ed	Maves, Bart	Tascona, Joseph N.
Ecker, Janet	Munro, Julia	Tsubouchi, David H.
Elliott, Brenda	Mushinski, Marilyn	Turnbull, David
Flaherty, Jim	Newman, Dan	Wettlaufer, Wayne
Ford, Douglas B.	O'Toole, John	Wood, Bob
Froese, Tom	Ouellette, Jerry J.	Young, Terence H.
Galt, Doug	Parker, John L.	

**The Deputy Speaker:** All those opposed will please rise one at a time and be recognized.

#### Nays

Bisson, Gilles	Curling, Alvin	McLeod, Lyn
Bradley, James J.	Duncan, Dwight	Phillips, Gerry
Caplan, David	Kwinter, Monte	Silipo, Tony
Castrilli, Annamarie	Lessard, Wayne	Wildman, Bud
Colle, Mike	Marchese, Rosario	
Cordiano, Joseph	Martin, Tony	

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 47; the nays are 16.

**The Deputy Speaker:** I declare the motion carried.

Pursuant to the order of the House dated November 2, 1998, this bill is referred to the standing committee on resources development.

Those who are leaving, I encourage you to continue your private conversations outside the chamber.

The Chair recognizes the minister from Durham West.

**Hon Janet Ecker (Minister of Community and Social Services):** I am very pleased today to open debate on second reading of Bill 73, the Child and Family Services Amendment Act. The purpose of these —

**The Deputy Speaker:** Order. Would you please move it first.

## CHILD AND FAMILY SERVICES AMENDMENT ACT (CHILD WELFARE REFORM), 1998 LOI DE 1998 MODIFIANT LA LOI SUR LES SERVICES À L'ENFANCE ET À LA FAMILLE (RÉFORME DU BIEN-ÊTRE DE L'ENFANCE)

Mrs Ecker moved second reading of the following bill:

Bill 73, An Act to amend the Child and Family Services Act in order to better promote the best interests, protection and well being of children / Projet de loi 73, Loi modifiant la Loi sur les services à l'enfance et à la famille afin de mieux promouvoir l'intérêt véritable de l'enfant, sa protection et son bien-être.

**Hon Janet Ecker (Minister of Community and Social Services):** As I said, I'm very pleased to open the debate on this legislation. The purpose of the amendments that I've tabled and moved second reading on today is to provide new rules to ensure better protection of children at risk of neglect and abuse. These amendments will create new and stronger tools to enable front-line workers, the professionals and the courts to do their jobs more effectively.

I would like to begin today by describing the process that led to these amendments and explain where they fit in our ongoing reform of Ontario's child protection system.

The child protection system that our government inherited in 1995 had some significant strengths, but it also had some very troubling weaknesses. When I had the privilege of attending a meeting of social services ministers in 1996 in British Columbia, I saw other provinces were facing some similar challenges and were struggling to reform their child protection systems. It flagged for me the need to examine our own system here in Ontario. The subsequent inquest into the deaths of children involved with children's aid societies and the report of the child mortality task force confirmed that children were tragically falling through the cracks.

While there was clear recognition of the problems, there was very little consensus among the child protection experts on what was required to fix the system. Some believed that the answers lay in more resources; some blamed it on a lack of proper training for front-line workers. Others focused on the legislation, but there were conflicts over whether the problem was with how the Child and Family Services Act was written or how it was being applied.

Our first conclusion was that simply throwing money at child protection without a plan, without priorities, did not make sense. Second, we recognized that there was little to be gained from tearing everything down and starting over. Instead, we agreed that we needed to build on the existing strengths to create a stronger child protection system.

The more we looked at the challenges we faced and the experiences of the other provinces, the more we recognized the need to focus on the foundations of child

protection and on the right mix of tools and resources necessary to protect children.

The steps that we recognized, the steps that we are taking were to have proven risk assessment and tracking systems, well-trained front-line workers, necessary resources that match actual needs, all backed by a clear and balanced legal framework.

Over the past two years, we have been putting these tools and resources in place through a step-by-step reform of Ontario's child protection system. Last year, we mandated the use of a common risk assessment system by children's aid societies.

**Mr Gilles Bisson (Cochrane South):** On a point of order, Mr Speaker: Perhaps we may not have a quorum in the House. Can you check?

**The Deputy Speaker (Mr Bert Johnson):** Would you check and see if there is a quorum present, please?

**Clerk Assistant (Ms Deborah Deller):** A quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Deputy Speaker:** The Chair recognizes the minister from Durham West.

**Hon Mrs Ecker:** Thank you very much, and I would like the record to show that the member for Cochrane South is indeed here and is indeed paying attention to this debate.

As I was mentioning earlier, over the past two years we have been putting in place those tools and resources to help guide us through a step-by-step reform of Ontario's child protection system. Last year, we mandated the use of a common risk assessment system to be used by children's aid societies. It is now in effect across the province, and it is helping protection workers make more informed judgments about children at risk.

Standards are being developed to govern the way that societies handle cases of neglect and abuse, and we will be monitoring the implementation of those standards.

We are on track to implement a new information database that will link all CASs together next March. The database will enable front-line workers to track high-risk families wherever they move, and it will also alert the workers to any past involvement with a child protection agency that a family may well have.

*Applause.*

**Hon Mrs Ecker:** Thank you. I think this will indeed be very much of assistance to those workers to prevent families and children falling through the cracks.

In last year's budget, we allocated an extra \$15 million to assist children's aid societies. That money has now been invested in hiring 220 additional new, permanent front-line workers. That money is also being used to improve other front-line supports such as the new database and better staff training.

Effective January 1 this year, the ministry assumed 100% funding of children's aid societies. We are now developing a new funding system for those societies that will provide equitable funding based on service needs and workload. This again is an extremely important reform.

Over 4,600 staff received intensive training on risk assessment this year, and we have introduced four new pilot projects to ensure that recent graduates have the skills and the knowledge they need to investigate child abuse and to better protect children.

Finally, in our recent provincial budget we announced additional funding of \$170 million over three years for child welfare. This money will be spent for even more front-line workers, and also to revitalize a very important support, the foster care system, and for even more staff training to help those front-line workers make those very crucial decisions.

Child protection always involves very difficult questions for everyone involved, from front-line workers to health professionals to the courts to those of us in government. And the stakes are always very high, because when child protection fails, hindsight asks no easy questions. That's why we have proceeded carefully but steadily, why we have consulted with all sectors of the child protection system.

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We have received excellent advice that has guided us through this reform, guided us on all the steps that I've mentioned, especially with the question: Is the problem with our child protection legislation or with the way that legislation has been applied; has the pendulum swung too far between preserving and supporting families versus protecting the best interests of the child? And, frankly, is that even the right question at all?

To help us in this rethinking, last November I appointed a panel of distinguished experts, led by Judge Mary Jane Hutton, to consider the recommendations we had received from the various inquests into child deaths and from the Ontario Child Mortality Task Force. We also asked the members of this panel to give us their advice on the adequacy of the current child protection rules in the Child and Family Services Act.

Following consultations with parents, with young people and with professionals in the fields of child welfare, health, justice, law enforcement and education, the expert panel delivered its report earlier this year.

The principal recommendation of the panel was that the Child and Family Services Act needed to strike a better balance between concerns for the family and the best interests of the child. They told us that it must be made clear that the paramount purpose of the act is to promote the best interests, protection and wellbeing of children. In plain language, when there are doubts about the safety of a child, they must always be resolved in the best interests of that child.

We listened to their advice and to the advice from the task force and the inquest, and that advice has been very helpful to us in developing a package of amendments that focuses on those areas most critical to better protecting children. The amendments we are considering today are the first significant changes to child protection legislation in Ontario in 10 years. Their purpose is to make clear that the legal framework for child protection puts the best interests of children first.



Bill 73 focuses on those rules critical to improving the protection of vulnerable children in several very important areas.

First, the amendments make it clear that promoting the best interests, protection and wellbeing of children is the paramount purpose of the Child and Family Services Act.

Second, Bill 73 expands the grounds for finding a child in need of protection in three ways.

The threshold for triggering the protection of a child would be reduced from the current wording, "substantial risk," to wording that says "risk that the child is likely to be harmed." This should result in earlier reporting and earlier action taken to protect children.

To remove the uncertainty that exists in the current legislation concerning neglect, about whether or not the legislation actually covers neglect, we propose to add the words "pattern of neglect" in the grounds for protection.

The amendments would also improve protection of children in cases of emotional harm and the risk of emotional harm.

The third key objective of this bill is to end the current uncertainty over the responsibilities of the public and professionals to report that a child is or may be in need of protection. A single duty to report for the public and for professionals is created by this bill. The penalty for professionals who fail to report would be extended to include all the reasons for protection, not just suspected abuse, as is the case now.

The fourth priority is the need to improve what is called permanency planning for children in the care of a children's aid society. The proposed amendments would reduce the length of time that a child under six years of age could be in a society's temporary care. This will encourage an earlier achievement of the stability and the permanency so necessary for young children.

The fifth broad objective of the amendments is to improve the access of children's aid societies to the information they need to fulfill their protection mandate. Court processes would be streamlined and the grounds for obtaining the information would be expanded. CASS would be allowed to apply for a warrant or telewarrant to obtain information during the 21 days allowed for a protection investigation. In addition, CASS would be allowed to make an application where the information may be relevant to monitoring certain court orders.

The sixth point is that the Child and Family Services Act currently does not address conduct towards a child who has not been under a parent's or caregiver's direct care in the past. In future, under these amendments, evidence of past conduct towards any child, and not just the child in the person's care, would be admissible in any child protection proceeding. In addition, this evidence could be admitted at any stage in a child protection proceeding — another very important change we are proposing in this legislation.

Finally, Bill 73 provides for a mandatory review of the Child and Family Services Act at least every five years and for that report, the results of that review, to be made public. This reflects the government's view that the legal

framework for child protection must be reviewed on a regular basis to ensure that it is responding sensitively and effectively to the changing needs in the child protection sector. Not only are we changing those rules that will have the most positive impact on child protection now, but we are also laying the groundwork for future necessary improvements to this very important legislation.

As important as these amendments are in strengthening the protection of children in Ontario, they are only one part of the solution to the challenges that face our child protection system.

Effective child protection requires a careful mix of tools and resources for front-line workers, professionals and the courts. The step-by-step approach we have taken to reforming the child protection system is addressing each of these needs in a systemic and comprehensive fashion.

The ongoing investments and improvements I have described today, combined with the amendments we are proposing, which we are discussing this afternoon, will strengthen the foundations of child protection in Ontario. They will ensure regular review of the legislative framework for protection and they will ensure the consideration of future improvements. They reflect the broad consultations we have conducted and the helpful advice we have been given.

I would like to thank all of those individuals in the children's aid societies on the front line, and those other individuals who are involved in the sector, for the advice and the support they have given us as we have moved forward with these important reforms.

In closing — and I was remiss at the beginning in not telling you that I am indeed sharing my time this afternoon — the final point I would like to make is that all of these changes provide children's aid societies and their workers with the tools and resources they need to better protect children. They make clear that the best interests, the protection and the well-being of children are always paramount, and that protecting vulnerable children must always come first.

Thank you very much. I look forward to the input from the opposition on this very important legislation.

**Mr Jack Carroll (Chatham-Kent):** I'm pleased to have the opportunity to contribute some thoughts of mine on this bill that has been introduced by the minister.

In a perfect world, we wouldn't need legislation to protect our young people; they would be protected by loving parents. But unfortunately, we don't live in that perfect world, so change is necessary. As the minister stated, it's been over 10 years since the act was changed, and it is desperately in need of a lot of change.

One thing we've heard as we've discussed the issues of child welfare around the province is how important it is that we intervene early in the life of children. Just as an aside, I think we can't talk about our changes to our child welfare act without mentioning programs like our Healthy Babies, Healthy Children program, which is certainly one of the best programs I've seen come forward from any government. I know the members opposite feel very strongly about it also. For those children who are iden-

tified at birth to be at risk because of various issues, it allows for more involvement by those who would help them, so that hopefully in the future life would be a little better for them and they wouldn't face all kinds of extra problems as they go down the road. That's a program that has been introduced, funding has been increased dramatically for that program and I know that all in the House join in welcoming that program.

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The other program we have introduced is the Learning, Earning and Parenting program. This involves a program to help young mothers with young children to get some of the assistance they require so they can improve their own personal situation, so that in the future they can provide a better life for their child. That's another program that has been introduced and will lead to better results in the future.

Having said those things, we're still faced with the fact that a lot of the most vulnerable people in our society, our young people, are at risk day after day because of situations they find themselves in that they have no control over. I compliment the minister for the consultation that has taken place and for the act she has brought forward that I think addresses many of the issues she heard and many of the recommendations she heard.

It's interesting that a piece of legislation on something as emotional as child welfare would receive such province-wide endorsement as we have seen as a result of this act. Here I look at an article from the *Financial Post*: "Children's Rights Put Ahead of Family in Changes to Law"; a headline from the *Toronto Sun*: "Tories Move to Protect Children"; a headline from the *Toronto Star*, a paper that doesn't necessarily endorse all the policies of our particular government: "New Law Helps Abused Children"; a headline from the *North Bay Nugget*: "Child Welfare Top Priority in New Bill"; a headline from the *Globe and Mail*: "Ontario to Beef Up Child Protection: Act de-emphasizes preserving family unit"; the *Kingston Whig-Standard*: "Ontario Institutes Tough New Laws on Child Welfare"; the *Hamilton Spectator*: "New Bill Puts Children First" — is that not where they appropriately should be? — and "Public are encouraged to report suspected mistreatment" is the sub-heading; from the *Sault Ste Marie Star*: "New Laws Put Safety of Children Above Importance of the Family Unit: Legislation will broaden grounds for removing children from the home"; from the *Sudbury Star*: "Law Puts the Child Ahead of the Family in Abuse Cases: The rights of parents to see children who have been taken from them will be restricted"; the *Cambridge Reporter*: "Fewer Kids Will Fall Through the Cracks: The FCS director welcomes the overhaul"; the clipping from the *Port Hope Evening Guide*: "Bill Aimed at Keeping Kids Safe from Abuse"; and finally, from the *Woodstock Daily Sentinel*: "Child Welfare Reform Wins Praise from the Children's Aid Society Chief."

It would appear, from the newspaper clippings at least, that the reforms that are laid out in Bill 73 by the minister are right on the mark and respond to input we've received from various providers of services and are what the public has been asking for.

I would like to briefly elaborate a little on the different positions that the bill deals with. The minister made reference to all of them but, given the opportunity, I'd like to elaborate on them just a little bit.

The number one proposed change is that the paramount purpose of the bill very emphatically says now that it's for the protection and well-being of children. If you compare that with the current act, the current act certainly does make reference to the protection and well-being of children, but it also talks about five other purposes. Oftentimes in interpretation of the bills, the paramount purpose didn't always come through as being for the well-being and protection of the child, so there tended to be some confusion there. In the new act it very specifically says the paramount purpose of the bill is for the protection and well-being of our children.

One of the other purposes in the current act states that the least restrictive or disruptive course of action should be followed. The term "least restrictive" has sometimes unintentionally resulted in children being kept in dangerous situations. So amendments proposed in Bill 73 remove the words "least restrictive" to ensure that the clause on the best interests of the child is clearly paramount.

The second issue that's dealt with in the proposed bill is grounds for finding a child in need of protection, and here, of course, we introduce the subject of neglect. We have lowered the threshold somewhat for determining that a child is in fact in need of protection. The threshold of risk of harm is reduced quite dramatically by replacing the words "substantial risk," which exists in the current act, with the phrase "risk that the child is likely to be harmed." We effectively have introduced the subject of neglect as grounds for a child needing protection, and we have also lowered the threshold.

We also talk in terms of the terminology "pattern of neglect," so that when dealing with physical harm or risk of physical harm, emotional harm or risk of emotional harm, the phraseology or the idea of "pattern of neglect" comes into play.

We also talk in the bill about evidence of past parenting, because there is certainly something that can be learned from adults' treatment of children. The current act talks about the fact that adults' treatment of children who have been under their care must be considered, so if we have a situation involving a child, if the adult involved with that child has a pattern of neglect of a child who has been under their care, that has to be considered. The new act expands on that and talks about the fact that the treatment of any child by that adult, not necessarily just one who has been under their care, must be considered in any court proceeding.

On the fourth issue we get into the whole area of duty to report, and the purpose of the act there is to clarify the duty of professionals and the public to report that a child is or may be in need of protection. The proposed change we're talking about there involves professionals in the public being required to report if there are reasonable grounds to suspect that a child is or may be in need of protection. We have strengthened the reporting require-



ments there, not because people didn't understand their obligation to report, but the act wasn't particularly clear on what circumstances they should report.

The act also makes reference to the fact that a professional or other person is obligated to report on an incident even if they have already reported on that situation prior, so their obligation doesn't end with just one report.

Also an issue that has been of some concern that the proposed legislation addresses is the whole area of access to information. The purpose of the changes or the amendments is to make it easier for children's aid societies to get the information they need to protect children. Under the new act, should it pass this House, children's aid societies would be allowed to ask the court for access to information without notice in emergency situations, and for the first time the act would also set out a process for getting information through the courts where the information is necessary to investigate allegations that a child is or may be in need of protection. Again, this goes back to the whole idea of protection of the child being the paramount purpose of the child protection legislation.

A big area of change comes under the heading of what we would call maximum time for society wardship. Under the old act it was very possible for a revolving-door type of set-up to occur. I'm talking now about children who are six and under. Under the current system, before they can be declared a ward of the state, they have to be in care for 24 months. Unfortunately, every time the child would be returned to their family, the clock would stop, and should that child then come back into care, a new clock would start, so it was very difficult to get to the 24 months of care under the children's aid society with a new clock starting every time.

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What we're proposing in the new act is that the 24 months be reduced to 12 months and that in actual fact the 12 months include any period of time the child was in the care of the children's aid society. Should a child come into care for five months, be returned to its parents and then for some reason unfortunately have to come back into care, that five months that had already taken place would be counted in the total accumulation of the 12 months required.

The idea here is that we will put children's aid societies in a position to be able to make a determination much more quickly, or get to the final round of where they're able to put a child into some permanent situation, because all the experts tell us that the sooner the child can get out of the revolving door syndrome and be put into permanent care, the better it is for the child. Hopefully, that will improve that whole situation.

Another area that is addressed in the proposed legislation is access by people to crown wards. The court is in a position to grant access to young children who have been made crown wards. The problem with a ward of the state or a crown ward is that court-ordered access by other people precludes adoption. If we consider that the ideal disposition of a young child who has come into care and

been made a ward of the state is to be adopted, if we have many people having strings attached to that child through court-ordered access orders, the poor child is in a position where they cannot find loving parents to adopt them and give them a permanent, loving family.

What the new act addresses is that there has to be a higher burden for that person seeking a court-ordered access so that there's a benefit for the child from that court access being awarded. It's not just awarded because this distant relative said, "I'm that child's grandfather," — well, not a distant relative — "therefore I need to have access." There now has to be the burden of proof that to grant the person access benefits the child. If that is not there, then the court will not grant the access.

The other issue is that access orders, once granted, can be cancelled if it's proven that they're not in the best interests of the child. We come back to this all the time: What is in the best interests of the child we're dealing with, because we're talking about child protection, not parent protection.

The last thing the minister made reference to is the fact that there is a provision in the proposed new legislation that every five years the act has to be reviewed so that it can be kept up to date. We know that currently it's been 10 years since the act was reviewed. We know that all people who are concerned with child welfare understand that some changes have been necessary. It's been 10 years. They're tough to do. Now the act says specifically that every five years the act has to be reviewed, with an eye towards making any required changes.

What we have here is a piece of legislation that, should the House see fit to pass it, looks like it's been universally acclaimed by those who are in this area. I know the members of the opposition have been quoted as saying it's a welcome piece of legislation. I think we have addressed many of the concerns of the people who deal with young persons. We haven't addressed all of them. Time will see a requirement for more and more issues to be addressed in the future. But I think we've set the framework for a different philosophy of child care protection that means that what's best for the child is the golden rule by which every action will be judged.

In summing up, I want to compliment the minister and staff of the ministry for the consultation process they've gone through. I think they have captured what was said. They have responded with a good piece of legislation and hopefully we will finish the debate, have a little time in committee and in fact enact a new piece of legislation to protect vulnerable children of our society.

**Mr Joseph N. Tascona (Simcoe Centre):** I'm very pleased to join the debate with respect to Bill 73, An Act to amend the Child and Family Services Act in order to better promote the best interests, protection and well being of children.

That is a priority of this government. I think it's very evident by the amendments to the Child and Family Services Act that the step-by-step approach to ensuring child welfare in this province is being implemented. Obviously the intention of the amendments to the Child and Family Services Act is to better protect children. If

it's passed, it sets out a number of objectives in terms of accomplishing this goal.

One of them is to make clear that the paramount purpose of the Child and Family Services Act is to promote the best interests, the protection and the well-being of children. Being a father of four children, I can tell you that it's obviously very important to me personally, being involved in the daily lives of my own children and also being involved with other children in the community through their friendships and being involved in doing works within the community. It's fundamental to make sure our children are developed properly and that they are also protected.

One of the other aspects of the amendments is to expand the reasons for finding a child in need of protection. For instance, the word "neglect" would be specifically included and the threshold for risk of harm and emotional harm to children would be lower. We're talking about the risk of physical harm and also emotional harm. They are very fundamental components of how a child is put at risk and how their development is in fact not only put at risk but also handicapped. This will encourage earlier action to protect children at risk.

Another change would allow evidence of a parent's past conduct towards children to be used in child protection court proceedings. I think that's a very fundamental change. Obviously that's relevant to the protection of the child in terms of the parent's past conduct. I certainly feel that this change, which obviously fundamentally changes the Evidence Act, is necessary in terms of making sure that the judge and the decider of the case has all the information in front of him or her to make the best decision possible in the best interests of the child.

I can only say that that's what we should be trying to find. We should obviously be trying to find out all the facts and making sure that —

**Mr Bisson:** On a point of order, Mr Speaker: I believe we don't have a quorum.

**The Deputy Speaker:** Would you like me to check and see?

**Mr Bisson:** Could you, please?

**The Deputy Speaker:** Would you check and see if there's a quorum present.

**Clerk at the Table:** A quorum is not present, Speaker.  
*The Deputy Speaker ordered the bells rung.*

**Clerk at the Table:** A quorum is now present, Speaker.

**The Deputy Speaker:** The Chair recognizes the member for Simcoe Centre.

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**Mr Tascona:** I was dealing with the parent's past conduct towards the child being used in court proceedings. As I said, it's very fundamental to make sure we get all the facts out so the trier of the situation can make a decision with respect to protecting the child's interests.

The other aspect is clarifying the duty of professionals and the public to report that a child is or may be in need of protection, to encourage more reporting of suspected abuse and neglect. That's certainly fundamental in terms

of child protection, to make sure that the system not only is in place but in fact is working. You have to make sure that the checks and balances are there.

We're also going to be making it easier for children's aid societies to get the information they need to protect children, and also to promote earlier and more decisive planning for children's futures so that permanent arrangements for children can be achieved as soon as possible. That is certainly fundamental for any child in terms of their development and also their protection. I laud the minister for those changes.

We're going to ensure that access by relatives and other individuals to children who have been made crown wards is granted only if it is beneficial to the child. That is also fundamental with the paramount purpose of this legislation, which is to protect the child.

We'll be providing for a mandatory review of the Child and Family Services Act at least every five years. That is important because we need to make sure that the system and the statutory protections which are in place are reviewed in a consistent and timely manner so that we can make the changes that are necessary to better protect the child and make the system more responsive to the protection of the child.

Those are some of the steps that are being taken with respect to the reform of the child welfare system.

There have also been other steps taken to improve Ontario's child welfare system. Those other steps include a common risk assessment system mandated for all children's aid societies, which is now in effect across the province, helping workers to make better judgments about when a child is at risk. That certainly is important because we need those professionals to be able to make the assessments that are necessary to do their job, and to make sure that the children are protected within the mandate of the statutory framework so that we can ensure that the system is not only responsive but is in fact working. That is important because we have to make sure that the workers are protected so they can make better judgments about when a child is at risk. There isn't one child we want to risk going through the system who isn't protected.

It's a failure of the system if one child is not protected, if there aren't sufficient safeguards put in place. It's a tragedy on society. It's a measure of society in terms of how we protect our most frail and our most needy and the most vulnerable in our society. I think that is a very strong measure of this government in terms of where it puts its priorities: putting children first and protecting their interests.

Another step that has been taken is a new information database to link all children's aid societies, which is on track for implementation, I understand, next March. The database will help front-line workers track high-risk families wherever they move and alert the system to past children's aid society involvement in these cases. That is fundamental in terms of bringing accountability to the system, to make sure we're not operating in a vacuum. We also know that we have a tracking system out there to make sure that high-risk families are tracked in terms of protecting the children. That's what we're here for; that's



what the system was set up for. In this day of modern technology and the communications network that we have set up, there is no excuse for not being able to monitor and track children who are in high-risk situations so that we can protect them.

Another step that has been taken is that an additional \$50 million was invested last year to hire 220 additional front-line workers to support the new database and to improve staff training at children's aid societies. I think that's money well spent. Obviously, it's necessary. You have to make sure the database we've been talking about is there so that you have an effective communications system. You also have to make sure that staff training is there and that there's front-line staff available that is well trained and can do the job to protect the child.

Another step that has been taken is that additional funding of \$170 million is being invested over the next three years for more new staff, revitalizing foster care and training front-line workers. That's another investment in front-line staff to make sure that children's needs are not only understood but that they're also protected from those who would put children at risk. You have to have those front-line workers out there not only to make sure they can do their job effectively but that they can be responsive to the needs of the child. You do not want to allow one child to fall through the cracks in the system, because that is a tragedy.

Another step that has been taken is Healthy Babies, Healthy Children, an early intervention program for high-risk children under the age of 6, which is being expanded.

A new approach to funding children's aid societies that is equitable and better reflects workload and service needs will be introduced. Training and orientation for professionals, including doctors and teachers, is being developed to assist them in their duty to report cases where a child is or may be in need of protection. That is fundamental. You do not want a situation at a school where a child is not regularly attending or it's obvious that the child has some difficulties or the child is missing from school.

The teachers have to know that they have a fundamental duty not only in a moral sense but a statutory obligation of understanding where they should be involved and where they should be protecting the child's interests. After all, if you're dealing with children and they're at school and the teacher and the school system have them for at least eight hours a day, who are in a better position to judge the character and development of those children other than the professionals working with them at the school? That's something we have to make sure of, and I think it's a fundamental need, the coordination of the child protection system with our educational system, because obviously they're interrelated. There has to be integration and it has to respond and be effective in terms of protecting the child's interests.

1700

I welcome that type of change, the training and orientation for not only doctors, who obviously would care for the family, but also for teachers to help them in their duty

— and I stress, the statutory duty — of professionals such as doctors and also teachers to report cases where a child is or may be in need of protection.

I can't overemphasize that point in terms of the role the system must play. You can put all the statutory protections you want out there, but the fact of the matter is that it has to work. You have to create a database, a communications system, to make sure that when a child who is in risk, the situation is not only tracked but it's monitored and it's kept up to date. You also have to have the system integrated with respect to the children's aid societies, with respect to the school system, with respect to the medical system, so that whatever system that child is put into, there are people who are trained to make sure that they can identify when a child is or may be in need of protection. That is very fundamental to what we're trying to accomplish here.

I'd also like to comment on some of the proposed changes, certainly the change in the purpose of the child protection act, to make it clear that the paramount purpose of the Child and Family Services Act "is to promote the best interests, protection and well being of children."

The introductory section of the Child and Family Services Act states that a paramount purpose of the act is "to promote the best interests, protection and well being of children." However, it also sets out five other purposes. As a result, the paramount purpose is not always given primary importance in practice and is balanced against the other purposes by the trier of the situation. Obviously a judge who is confronted with a situation is trying to balance the factors and make sure that he obtains and accomplishes the objectives of the statute. But I think the changes that we're putting in place now make it very clear, and the focus is very clear, in terms of what the paramount purpose is, and the paramount purpose is to put the child's protection, the best interests of the child, up front. That's obviously what the *raison d'être* of that statute is, to make sure that the child who is in need of protection is in fact protected.

There are other changes in the bill that cover that in terms of grounds for finding a child in need of protection. As I said earlier, evidence of past parenting has to be considered by the court when used in a child protection proceeding.

There is also the duty to report, and that's something I want to focus on right now and emphasized a little bit earlier. The purpose is to clarify the duty of professionals and the public to report that a child is or may be in need of protection. Currently, everyone has a duty to report when they believe on reasonable grounds that a child is or may be in need of protection. Professionals such as doctors, health care workers and teachers are subject to penalty if they fail to report that they have reasonable grounds to suspect that a child is or may be abused. However, the current requirements are somewhat confusing.

The proposed change is this: Professionals and the public would be required to report if there are reasonable grounds to suspect that a child is or may be in need of protection. The penalty for professionals who fail to report

would be extended to all the grounds for protection, not just abuse. The act would also clarify that professionals cannot delegate the duty to report to another individual and that the duty to report is an ongoing obligation. What we're talking about here is a statutory duty, mandated in law, that I think has to be taken very seriously. In other words, any individual, I would say public or professional, who suspects that a child is or may be in need of protection, must report it directly to a children's aid society. They must report additional suspicions even if they have already reported a previous incident. I think that's very fundamental in terms of ensuring that they focus not only on their duty to report, but also that they understand and take some interest in terms of the situation they're involved in. They may have reported an incident, but that's not enough. They have to be aware of what's ongoing with that child. I think that would be fundamental with respect to a doctor or, for that matter, a health care worker or a teacher if they have daily contact with that child and they suspect something and it's based on, as we say, reasonable grounds.

This duty to report is fundamental and it has to be emphasized that people have to take this seriously. Who is going to protect that child? Do not expect that language in a statute is going to protect that child, because it's not. The only way to protect the child is to set up a structure based on information exchanged but also that the people who work in the systems, be it medical, educational, be it in the health care system or with the children's aid societies, fundamentally know their role. That's why training and public education in this area is fundamental, not only to being able to carry out the task to protect the child but giving a level of comfort to the people who really care about the child and family services so that the system has an opportunity to work. That's what we're trying to ensure here through this piece of legislation, the amendments to this act.

I mentioned earlier improved access to information. The purpose is to make it easier for children's aid societies to get the information they need to protect children. That is a very common-sense and laudatory goal. It's so fundamental that it shouldn't even have to be said, but the bottom line is that's the role they put in place. They need that information. There shouldn't be any barriers to that information.

Currently, the act sets out a process by which children's aid societies can apply to the court when they need information that will help them to protect children. However, there are several concerns with this process. For one, it only covers information relevant to whether a child is, or is likely to be, abused and none of the other grounds for protection. For another, it requires the children's aid society to give notice to the person who has the information even in emergency situations, which takes time, and time is something that we don't have when a child is in need of protection. We have to act immediately.

Also, it's not clear whether the process can be used to get information needed at the investigation stage. We don't need a statute that's not clear. We don't need a

statute that takes time. We need a statute that gets the job done.

So the proposed changes are: The act would be extended to include all the grounds for protection, not just abuse; children's aid societies would be allowed to ask the court for access to information without notice in emergency situations; for the first time the act would also set out a process for getting information through the courts where the information is necessary to investigate allegations that a child is or may be in need of protection.

I'm very pleased to have been able to speak on this bill. I support the changes to the Child and Family Services Act. I believe firmly that it's going to better promote the best interests and protect the well-being of children and I support it.

1710

**Mr Carl DeFaria (Mississauga East):** It's a pleasure to join the debate on Bill 73, An Act to amend the Child and Family Services Act. I can tell you that this is an area of law that requires a lot of balance. Often people who are not familiar with the child welfare provisions and the way the system works wonder what's happening when you have inquests into baby deaths, children dying, and the inquests make certain recommendations. But it's an area so important that it's important that we put it in a certain perspective.

I rise today to speak on it principally because I have had experience on both sides of this area. As a young law student, I was an emergency social worker during the evening. From 4 pm to 8 am, I would cover for social workers in the region of Peel, to deal with social work issues that came up during the evening.

I can recall being on a farm in Caledon where there was a family problem and there was some violence in the family. Having to go to a farm setting without having any information as to the prior history of this family and, as a peace officer under the act, having to attend at a home and apprehend children into the care of children's aid to protect them from family violence without any information is a position that very few people would like to be in. This new, expanded information database to track family history is very welcome and will assist social workers in that kind of situation when they have to deal with a family. At least they'll have some information as to what kind of problem they can expect.

I have also had experience, for 10 years as a member of the official guardian's panel on child representation, of being on the other side of the situation. I represented children who were being apprehended by the children's aid society. That's why I indicate to you that there has to be a balance. Even though some recommendations come up and we act on them, I can tell you and tell the social workers out there from the different agencies that they should exercise a great deal of discretion, a great deal of care when they come into a family and apprehend a child and go through the proceedings, because the family unit is still a very important unit and should be dismantled only when there are good grounds for doing so.

But this bill provides sufficient guidelines, and the fact that it has a provision that requires its review every five



years is something that I welcome because there are a lot of changes in the family, changes in society, that require an adjustment every once in a while. I stand today in support of these improvements and I am glad to see that most members of this House also support these amendments.

**The Acting Speaker (Ms Marilyn Churley):** Questions and comments?

**Mr James J. Bradley (St Catharines):** My question to the speakers would be whether they are supportive of the dire need in St Catharines for a new building for family and children's services to go along with this bill. I know that when you have new legislation and there is perhaps an expansion of activity that might take place, it puts even more pressure locally on the need for an appropriate building to handle these matters. Everybody likes to think of it as bricks and mortar, but certainly it is important.

We have a highly substandard building in St Catharines housing the family and children's services. I've had a chance to tour it on a number of occasions. One of the problems is that it's very hard to work in terms of confidentiality when people are virtually working side by side in that building. It tends to increase the morale substantially when you have an atmosphere which is far better than you can have in cramped quarters, which will require some considerable retrofitting and other work over a period of time.

The family and children's services of the Niagara region has met with ministry officials, has made a couple of ministers aware of the need for this new building, and the very dedicated employees of the family and children's services and the board of directors and the volunteers who are involved would very much appreciate the green light which would be forthcoming from the Ontario government in this regard.

I certainly wouldn't at all say, I can guarantee you I will not say that it's just because there's an election coming that you've provided that money. I promise you today I won't say that if you announce that there's going to be an investment in that building which is needed so very much. I'll be interested to see whether the members on the government side are prepared to make that commitment today and I'll bring the good news back to family and children's services.

**Ms Frances Lankin (Beaches-Woodbine):** I want to thank the speakers who have outlined the content of the bill. I'd like to address my response particularly to the member for Mississauga East, because I found your comments very important and I think they form a base on which much of the debate around this bill should revolve.

I believe very strongly that all members of this Legislature will support the overriding intent of the legislation, to ensure that child protection is child-focused and that the best interests of the child are always at the centre of decision-making.

One of the questions that we'll have to engage ourselves in as legislators, as we review this — I understand there is a commitment that we will be holding hearings on

this bill — is how to strike that balance. The last review of the legislation was very much about that question. You can tell, in swings of society, there was a pendulum swing in a direction that said taking children from the home and putting them in foster care and institutional care has its costs for child development as well. There are very strong feelings at those times and many horror stories of abuse and neglect in institutional care of children that are equally as disturbing as what we are dealing with now.

I think the pendulum is swinging back and the question for us is to get the right balance in where it stops. I hope that as we approach this process we will have a very open mind to listening to people. I think many of the directions in here are supportable. Some of them might require a balanced amendment, a test as to whether we've got it right and whether we are in fact putting in place a regime which will be in the best interests of the child, and to ensure that the supports and services that will be in the best interests of the child and the family are in place too.

**Mr Bart Maves (Niagara Falls):** I want to congratulate the member for Simcoe Centre and the member for Mississauga East on their very thoughtful comments on this bill. I think it is vital that in this legislation the protection and well-being of children does become clearly the paramount purpose of the act. Both members spoke to that, and spoke to it very well.

We know there are parts of the current act which have sometimes perhaps unintentionally resulted in children being kept in dangerous situations, and a lot of times when we read about these tragedies of children who are abused and sometimes killed in these dangerous situations, the family and children's services from that area have been restricted, in their view, by parts of the current act. What's absolutely vital about this act is that we're changing that to make sure the kids and their safety is the most important thing. I don't think there's anyone in the Legislature who's going to disagree with that.

1720

To the member for St Catharines, he should be happy to know that when he was a cabinet minister from 1987 to 1990, and when the member for Welland-Thorold was a cabinet minister in the government from 1990 to 1995, they were both unable to achieve equitable funding for long-term and home care in the Niagara region. Four Conservative backbenchers in the last three years have in fact been able to achieve that from this government, getting over a 50% increase in the funding.

On the same note, he should know that we've spent a lot of time with the family and children's services also, with their request for a new building and the problems that they have in the location they are in now. He will be happy to know that we believe we're making quite a bit of headway, and hopefully we'll be able to announce some kind of funding in the very near future for that.

**Mrs Lyn McLeod (Fort William):** We are indeed pleased that this bill has been brought forward. It has been a long time in coming and will be welcomed, we know, by the many people who are involved in providing child protection services across Ontario.

As the member for Beaches-Woodbine has said, most of the tenets are supportable. We will be raising concerns about what's missing from the bill. We're also going to be wanting this bill examined in full committee hearings, both because of what's missing and also because it does introduce a very major change in the way in which we approach the issue of child protection.

I agree that the member for Mississauga East has very clearly defined what we think is a discussion that has to take place. If the pendulum swung too far in one direction in terms of the interest of keeping the child in the family being paramount, how do we ensure that the pendulum won't swing too far in the other direction because of the introduction of the changes in this bill? What kind of supports need to be put in place to ensure that our primary concern is to provide some assurance that the child can stay in a family that is supportive and nurturing, and where that child is not at risk?

We're also going to be wanting to raise concerns, both in the course of debate on the bill and I suspect in committee, about the funding support, which is absolutely essential if this bill is to provide protection for even one additional child. I noted that there was considerable mention — in fact, every government member who spoke, spoke about the \$15 million that has been put into the budgets of children's aid societies this year to hire 220 additional front-line workers. I would remind the government members that that does not yet compensate for the \$17 million that was removed from children's aid societies' budgets as one of the first actions of this government.

We will certainly be raising the concern about where the commitment is to actually put in place the dollars that were announced, the \$170 million over three years that was supposed to be in place in order to provide the support for meeting the needs that are already unmet by children's aid societies that are too financially strapped.

**The Acting Speaker:** Member for Mississauga East, would you like to sum up? Oh, you spoke to this as well.

Member for Chatham-Kent.

**Mr Carroll:** I appreciate the comments of the member for St Catharines, the member for Fort William, the member for Beaches-Woodbine and the member for Niagara Falls.

Certainly the idea of a balance is something that we need to look at. It's tough really to cover all those things in legislation, because they're all subject to interpretation. We must somehow set a framework that can be interpreted with that balance in mind. It certainly is an issue. We don't want to break up families if they don't have to be broken up, and yet we do want to be sure that we're protecting the child. That is a big issue. Many parts of that issue will be left to a decision-making body, be it the courts or whomever, at some point in the future. The legislation can only provide the framework.

To the member for St Catharines, we didn't really find out what he thought about the bill. He was only interested in a building. I'm not sure exactly what the building has to

do with child protection, but that was seemingly his only interest.

To the member for Fort William, of course, that's a typical Liberal overture; we always need more money. Everything relates to more money, more money, more money. In actual fact, we tried that more-money solution on most things. We tried it for about 10 years in this province: "Let's just throw more money at everything."

All that throwing more money at things did was get us into a whole mess and mortgage our children's future. More money is not the solution. We need to change how we do things. But as we can always expect from the Liberals, the first rally cry is, "Spend more money, and that will lead us to the promised land." It won't, and we will not see that as an alternative.

**The Acting Speaker:** Further debate?

**Mrs McLeod:** Madam Speaker, may I have consent to defer the hour leadoff speech for our caucus until our critic, the member for Windsor-Sandwich, is able to be present?

**The Acting Speaker:** Is that agreed? Agreed.

**Mrs McLeod:** Thank you. I am pleased to be able to participate in this debate because this is a subject which I feel is of extreme importance. I think we would all be in agreement on that. Because it is so important and because the bill has been so long in coming, we all welcome its introduction.

I am a little bit frustrated, and my House leader will appreciate this fact, that a bill of such importance, that has been awaited for so long, has been actually introduced for debate with so little notice. I want to indicate my frustration as a legislator. It's not solely because I regret the fact that our critic is not able to be here today on such little notice and because of some serious family concerns. Obviously I regret that she is not here to lead off this speech. But I raise this concern about the very little notice for participating in the debate because I think that has become more and more typical of the way in which important legislative measures are introduced into this House. I think all of us as legislators should express our concern, as this doesn't lead to the kind of full consideration of important issues that should take place here.

Having said that, let me turn to the bill and begin by acknowledging the title of the bill, Bill 73, An Act to amend the Child and Family Services Act in order to better promote the best interests, protection and well being of children, to which we would all say amen. I know this government puts a considerable amount of public relations energy into conceiving titles for bills, trying to convince the public that it is doing something which it actually is not doing. I think, of course, of Bill 160, which was intended to improve the quality of education, according to the title, and most would recognize it was indeed intended to take control of the funding of education. This issue of funding, on the part of a government that has taken 100% control of the funding of children's aid societies, is one which I am going to refer to during the course of this debate.



This bill, according to its title, is to promote the best interests, protection and well being of children. It amends the Child and Family Services Act. The Child and Family Services Act is a bill about the protection of children. This bill, amending that act, is about protection. The best interests and the well-being of children go far beyond the changes in this act. It is absolutely, fundamentally important that every one of us acknowledge that fact. Unless the government acts in a host of ways to meet the needs of children in Ontario, the pressures on the children's aid societies to fill their legal mandate of protection, which is now to be expanded, are going to get greater and greater.

I look at the government record when it comes to acting in the best interests to promote the well-being of children, and I think we have to acknowledge that has not been a hallmark of this government's record to date. We know they cut children's aid societies' budgets by \$17 million. The \$15 million which has been trumpeted today — each of the speeches of the government members talked about the \$15 million which has been put in place in the last year — still doesn't make up for the \$17 million that has been cut.

We also know there have been cuts to children's mental health budgets. We know the kinds of waiting lists that are faced by every children's mental health agency across this province. We know that has also meant restricted assessment, restricted opportunities for early intervention in the kinds of problems that children and families are experiencing.

We also know that there is very restricted assessment going on of children who have problems in school, which is often where the troubled child, sometimes in a troubled family, first manifests their problems. We know that in the funding formula, which is the subject of great debate in many forums today, we see the provision for something called "professional and para-professional supports" being one for 800 elementary school children and one for every 476 secondary school children. In case you think that sounds like a reasonable amount to provide assessment and support for troubled children, let me tell you that figure has to include attendance counsellor funding, psychologists, psychometrists, social workers, child and youth workers, community workers, library technicians and computer technicians. I suggest that with that kind of very restricted funding, there is going to be very little support to children in difficulty in a school situation, where those problems are first manifest.

1730

I think we should be intensifying our support for children both in community agency settings and in school settings. I think we should be intensifying that support because we know that there is more tension creating more problem situations with children and with families. We know that this government's record when it comes to providing comprehensive support to children in their family settings is not a strong one.

We think about the cuts to social assistance, which have primarily affected children. We think about the fact that this is a government that wasn't even prepared to provide a milk supplement for pregnant mothers. We think

of the fact that under this government we have 71,000 children who are having to use food banks. That's a 65% increase over 1995 and that's the record of the Mike Harris government in being concerned for the well-being and the best interests of children. We know that there are 500,000 children who are living at or below the poverty line in this richest of all provinces. We know that food bank use is the second-highest in the country. That's the record under the Harris government.

We know that child care has been cut some \$65 million. The minister earlier today talked about the increase in child care funding. My understanding is that this is the first Ontario government in history to have cut child care funding.

We know that with the impact of school closures being dictated by other areas in which the government controls 100% of the funding, there are going to be literally thousands of children receiving child care in a school setting who are evicted and looking for child care elsewhere. That lack of accessibility to child care adds to the pressures on families who are already struggling to cope with the fact that they must work in order to survive and they also want to be able to provide care for their children.

I look at homelessness and the fact that this government pulled out of any kind of housing program. They say they're not in the housing building any longer. Maybe we don't think about that as having an effect on the well-being and the interests of children, but there are some 600 families in Ontario who are living in emergency shelters. That affects the well-being of children. That is not in the best interests of children.

You can't talk about bringing in a bill that is not only to promote the protection of children but to be in their best interests and promote their well-being when you're taking actions on so many fronts that have a negative effect on the well-being of children. There are some 7,000 to 10,000 homeless youth in the city of Toronto alone. Is this government prepared to act in the best interests of those 7,000 to 10,000 youth?

I think it would be remiss of us to focus our attention, as the government might hope, solely on the steps that are taken here to provide for greater protection of children at risk through a legal mandate to children's aid societies if we're not also prepared to acknowledge the reality that many children and families face in our communities and how little protection — in fact how much reduced support and protection — those children and families are receiving.

The member for Chatham-Kent was most indignant that I would mention the fact that \$15 million was not yet a replacement for the \$17 million that had been cut from children's aid societies' budgets.

**Mr Bud Wildman (Algoma):** That's true.

**Mrs McLeod:** It happens to be true.

I also raised it in the context of an expectation that has been created by this government that they were going to at least meet the needs of children's aid societies, the ones who are being given an expanded mandate under this bill.

This government said, "We hear the concerns that you have, as agencies providing protection for children, that you don't have the resources you need to even meet the legal mandate for protection that is in the current Child and Family Services Act."

We thought we heard the government saying: "We understand that. We'll put back the \$15 million, or at least we'll put back \$15 million of the \$17 million that we cut, but we're going to go beyond that and we're going to provide \$170 million over the next three years in order to hire front-line workers and train workers." And yet we have not seen the \$90 million of that commitment that was supposed to have been put in place this year.

We've also not seen the \$100 million in contingency funds that children's aid societies have essentially already had to expend in order to meet the needs for protection of children under the current legal mandate that they are required to act on.

You can't bring in legislation, I say to the member for Chatham-Kent and to the minister, that expands the legal mandate for protection, as important as that is, to protect children at risk if you are not even providing enough financial support to children's aid societies today to carry out their existing legal mandate. We want to know where the \$100 million in contingency funds is. We want to know whether the \$90 million in new dollars that was supposed to be put in place this year is going to be part of the contingency fund. We want to make sure that children's aid societies have the resources they need to carry out what the government, and we agree, believes should be the ability of children's aid societies to act in the protection of children at risk.

We do not argue the need for the measures that are put forward in this particular legislation. Our concern will be with the resources to carry out the measures, not with the measures themselves. We have called for this kind of legislation to come forward for the last three years, and I give credit to my critic in this area, who is not able to be with us today, for the ceaseless work she has been doing in order to advocate for this legislation to provide greater protection for children at risk. We do have a concern if the government sees this as being all that is needed, because there is absolutely no question at all that the measures that are contained in this legislation, which will indeed provide better protection for children at risk, will mean more demand on agencies that are providing that protection.

I think the bottom line, whether the member for Chatham-Kent gets indignant or not, is that you cannot talk about providing better protection for children, you cannot have a bill that in its title speaks about providing better protection for children, you cannot make speeches about providing better protection for children, unless you're prepared to come up with the dollars. I'm not talking about dollars that we're trying to pull out of the air. I'm talking about the financial resources which this government claims to have committed and which those children's aid societies have not yet seen.

The minister acknowledged when she introduced the bill that there are children falling through the cracks and

indicated that this legislation would put the best interests of the child first. My argument is that Mike Harris and his government have not put the best interests of the child first at any other point, but I am pleased that they are now going to respond at least to the 400 recommendations from six inquests into deaths of children involved with children's aid societies in Ontario. I think it is not exactly accurate to say children are falling through the cracks in Ontario. We have had children dying in Ontario, and that demands a response from government and demands support for measures that will provide that greater protection from the opposition parties.

This legislation, as we understand it, responds to proposals from the Ontario Child Mortality Task Force and from the expert panel that was led by Judge Hatton. We will be supportive of the measures that indeed respond to those recommendations that have come from experts who have looked at the current situation and clearly defined what more is needed. Our leader, Dalton McGuinty, has put forward a document called First Steps in which he sets out comprehensive recommendations for providing support for children in the family setting, but he as well in that document called for the implementation of all the recommendations of the child mortality task force.

We will be concerned about some of the recommendations which are not here, as I indicated, and with a limit of 20 minutes of time I'm not going to speak in any detail to each of the recommendations. I do want to recognize that we would certainly agree that including neglect as grounds for protection is an important measure to put in place. I would also argue that it might be good to have legislation that requires governments to stop creating the conditions of poverty and homelessness that too often result in neglect.

I want to share the concern that if we simply bring in measures that allow for earlier intervention — and I support the measures which call for earlier reporting so that there can be earlier intervention — and don't provide the resources for that early intervention, we're not actually going to be able to achieve what I hope is a goal of providing support for the child not to be taken out of the family but to stay in the family. Every children's aid society worker will tell you that one of their greatest frustrations is that they are only able to act on their legal mandate for protection and withdrawal of the child from the home because they have never had the resources they need to provide for the early intervention that would prevent the abuse or the neglect which would lead to the child having to be taken out of the home.

1740

I think we would all agree that the safety of the child must be the first consideration, but we're going to be very concerned for children and for families if workers are forced by this legislation to remove a child at risk when other kinds of intervention could have supported the family and removed the risk at the same time. We are going to insist that the tools and resources be given to the agencies to ensure that they can provide that support and hopefully avoid having to remove the child.



I hope this legislation doesn't put us in a position where many actions become necessary because agencies simply have no options, because if that ever becomes the case, then we will not be acting in the best interests of the child. I hope we haven't reached a point in this richest province of this most privileged country of actually having to decide between the need of a child for safety and the need of a child to be with his family. If we have to make those kinds of decisions, then surely we agree that the decision must be on the side of keeping the child safe. But God forbid that we should be satisfied that a child's needs are being fully met if that child is safe.

On a hierarchy of need, food and safety are certainly basic essentials; love is a higher order need. But I don't believe that any child's needs can be met if they're denied the love and security of a supportive family. The reality is, in too many situations in our society, a child doesn't have that opportunity to have the love and support of a nurturing family. I believe that the reality in Mike Harris's Ontario is that fewer and fewer children have that opportunity.

But surely we have an obligation, if we want to truly act in the best interests and for the well-being of children, to do more than simply keep them safe, as important as that is. I don't believe that parents choose to neglect or to abuse their children. I think we have to take more immediate action to protect children from neglect and abuse, and so we will support the legislation, but we can't forget that parents and families too are at risk and need some intervention. This legislation doesn't address that and, in my view, neither does this government.

I am not going to be able to speak in detail about what has been left out of the bill. I trust we'll have an opportunity to do that at committee.

I do want to particularly note that this bill does not extend protection to 16- and 17-year-olds. That was called for. I am anxious to have the government explain why they have chosen not to act on the recommendation to have protection rights extended to 16- and 17-year-olds. I hope it's not because they would then be called upon to deal with the 7,000 to 10,000 youths who are homeless in the city of Toronto alone, because surely those are children at risk.

I do want to raise a very real concern that the failure to include 16- and 17-year-olds in this legislation means that the bill of my colleague the member for Sudbury which calls upon a legal responsibility to act to protect children who are involved in prostitution will now, I assume, die. That bill has gone through committee hearings. It has received strong support across this province. It has received two amendments and on the basis of those amendments has been referred back for third reading to this House. The fact that the Child and Family Services Act is not to be amended to include 16- and 17-year-olds appears to mean that this government is not prepared to act on that bill and is not prepared to extend their commitment to protect children at risk to those children who are involved in prostitution and who are very seriously at risk.

I hope perhaps that as this bill goes to committee that's a decision that can be revisited by the government, because I think there would be considerable concern about this legislation from all those who made representations and expressed their support for the measures that the member for Sudbury introduced. There will be considerable concern that this legislation fails to take the necessary steps to provide support for that initiative.

In the last moment I have, I'm again going to have to not spend time commenting on the reorganization efforts that are taking place in Ontario in community and social services. The concern that I would like to have spent a little bit of time on is this government's penchant for believing that you can deal with more clients with the same amount of money or even less money simply by carrying out a reorganization. We've seen that in so many areas, and we're seeing it again, I believe, in community and social services and indeed in the whole area of children's aid societies, where some efforts are being made to amalgamate with mental health agencies in order to bring about efficiencies.

Let me say to the government that you can't deal with more clients, you can't deal with the kind of waiting lists that are being faced by children's mental health agencies, you can't deal with the unmet needs that children's aid societies are recognizing if you attempt to deal with it through reorganization. I say to the member for Chatham-Kent, it needs resources. This government's commitment must be backed with the resources to make it work.

**The Acting Speaker:** Questions and comments?

**Ms Lankin:** I appreciate the contribution the speaker has made to the debate on this bill. One of the things I hope the official opposition will review is some of the issues that are being raised with respect to concerns of balance, and whether we've got the balance right. The expert review that has been done is very important. It's a critical contribution to the work that comes before us as legislators in the drafting of the bill. But just as the government and ministry have determined in some areas not to proceed — I have heard some of the reasons for that from members of the ministry department that worked on this, and I'm sure we'll have further discussion with members of the government — there may be some other areas where we as a Legislature determine that slight changes must be made. I hope that's something all members will join in as we go through the hearings.

I support the member's comments with respect to adequate resources. I was a bit concerned when I heard the member for Chatham-Kent essentially go on the attack last time, because the panel itself has said very clearly that it recognizes legislative change is only one aspect of the solution. Of critical importance to the panel's recommendations is the availability of adequate resources. They say it's important to emphasize that legislative amendments are only one aspect of the solution to current problems in the delivery of child protection services. Critical to the success of implementation of any legislative change is the provision of adequate resources. Throughout the review the panel was continually reminded that

adequacy of resources affects the ability of service providers to intervene, assess and treat.

So it is a critical issue and it is part of the package that we will need to discuss. It's not a question of throwing money; it's a question of providing adequate money for the job to be done.

**Mr Carroll:** I always appreciate the opportunity to comment. Adequate resources: no problem with adequate resources, but when the member for Fort William says you can't provide better care without providing more money, the whole world has been in the process for years of providing better care with less money. The only people who haven't been doing that have been governments. That's why we got into a situation in this province and quite frankly in this country of running up unconscionable debts.

We're talking about child protection here in this legislation. In what better way can we protect our children than to hand on to them a future that has some promise in it? We've mortgaged our future by the same thinking of, "You can't provide better service without spending more money." The real world doesn't operate like that and it's about time government understood they can't operate like that. Quite frankly, there isn't any more money to continue to spend on doing things the old way. I really struggle when I hear — the Liberals especially always equate anything better requiring more money. We tried doing it their way. Quite frankly, that didn't work.

The other thing I really struggle with is the whole idea of the government creating poverty and homelessness, fewer and fewer children having the support of loving families because of Mike Harris. Whatever happened to personal accountability? Whatever happened to the fact that when children are born in this province, the primary responsibility lies with their parents? It doesn't lie with government; it lies with their parents. I think somewhere in the argument we have to address the fact that personal accountability is still the most important ingredient we can provide. The government's role is to set some rules and some regulations and to be there with safety nets, but probably in the case of children the primary responsibility lies with their parents.

**Mr Bradley:** I want to commend my colleague from Fort William for a very balanced approach, outlining general support for many of the provisions of this legislation, but also pointing out where it can be improved.

1750

I find the approach the parliamentary assistant has taken interesting because it reminded me of a circumstance that I was thinking of myself, where I was watching two little kids coming along with their parents. The kids weren't well dressed and didn't look as though they had been particularly well looked after by the mother. The mother was going in to make a purchase of something I wouldn't have said was a necessity at the time — it was cigarettes — and I was thinking, "Couldn't that money be spent better?" The answer is yes, it could. But I also had to think, should we really penalize the children for that?

That's the problem with the philosophy that the member for Chatham-Kent espouses. It's not that we wouldn't like to see, in the best of all worlds, parents taking the responsibility they should for their children, but there are circumstances where that simply doesn't happen and it seems to me we cannot punish the children because the parents are not carrying out their responsibilities as they should, as much as we should try to persuade and encourage those parents to do so.

Also, I wanted to say that when we're talking about resources, when you invest resources at the beginning, when we're talking with children, very often you find you're not making those expenditures down the line. That is particularly true when the children are very young, but also there's some truth to that for the 16-year-olds and 17-year-olds who are not provided for in this bill. I think that investment which is made early is an investment which saves us money so we don't have to build super-jails to throw everybody in jail who happens to be on the wrong side of the law, because we steer more of those people away from the path that would lead them to those jails.

**Mr Wildman:** I want to concur with my friend from St Catharines in response to the comments of the member for Fort William and the comments on them from the member for Chatham-Kent. Obviously parents have responsibilities and parents must live up to their responsibilities. In the best of all possible worlds that happens and children are cared for, they are loved, they are nurtured and they grow up to be responsible adults. Unfortunately, this is not the best of all possible worlds and I am not Candide.

The fact is that on occasion parents fail, for whatever circumstances, for whatever reasons. On occasion parents are not able to provide the love and nurturing experience for their children that they should and that it is their responsibility to do. We cannot then visit the sins of the parent upon the child. It is our responsibility as a society to intervene in those situations to protect the child and, unfortunately, when those situations are serious, to remove the child and find a better place for that child, to protect that child from psychological and physical harm. That is our responsibility.

The African saying that it takes a village to raise a child is completely apt. It isn't just the individual parents, the individual family. We all have responsibility for one another and for our children. That means that if we're going to provide legislative change that protects children, we must provide the resources to ensure that it is implemented.

**The Acting Speaker:** The member for Fort William.

**Mrs McLeod:** I appreciate the comments of my colleagues. I would say to the member for Beaches-Woodbine, by all means in committee we want to look at some of the specifics of the legislation to know whether some amendment is desirable to further the goals that are here, but I would add that any changes to the legislation are still legislative changes. It only prescribes what is required to be done under a legal mandate.

If we are serious about providing support for a child in a family, to have that balance, rather than always moving



to remove the child from the family, and making sure that child is not at risk, it means resources. I say to the member for Chatham-Kent, I'm really sorry if it bothers you that the philosophy that you can just blame the family as an excuse for any failures so you don't have to put any money in just doesn't work when it comes to providing support for children at risk. I'm sorry if the fact is you can't provide better care with less money. You've said you don't have any problem with having adequate resources, so let me tell you why resources are going to be a major issue if you're serious about this legislation: because there has been a 46% to 50% increase in referrals to children's aid societies under the conditions you have created while you have been government. That's a 46% to 50% increase in referrals from troubled families. I happen to believe, and I think there would be a lot of support for this belief, that it's in large measure because of the

conditions your government has created for families. That is an unmet need under today's legislation that has got to be addressed. And no, you can't solve it by combining children's aid societies with children's mental health agencies. Children's mental health agencies that have had a 10% cut in their budgets have a waiting list of 7,000 children who are waiting more than six months in order to be seen. That is also an unmet need. I reiterate that you can't solve this problem of trying to do more with less through a simple administrative organization.

If I can quote the London Free Press, who think that by and large this is good legislation — "but the cheque better be in the mail."

**The Acting Speaker:** It being almost 6 of the clock, this House stands adjourned until 6:30 this evening.

*The House adjourned at 1756.*

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**Jeudi 5 novembre 1998**



**Speaker**  
Honourable Chris Stockwell

**Président**  
L'honorable Chris Stockwell

**Clerk**  
Claude L. DesRosiers

**Greffier**  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 5 November 1998

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 5 novembre 1998

*The House met at 1831.*

### ORDERS OF THE DAY

#### FUEL AND GASOLINE TAX AMENDMENT ACT, 1998 LOI DE 1998 MODIFIANT LA LOI DE LA TAXE SUR LES CARBURANTS ET LA LOI DE LA TAXE SUR L'ESSENCE

Resuming the adjourned debate on the motion for second reading of Bill 74, An Act to amend the Fuel Tax Act and the Gasoline Tax Act / Projet de loi 74, Loi modifiant la Loi de la taxe sur les carburants et la Loi de la taxe sur l'essence.

**The Acting Speaker (Ms Marilyn Churley):** Further debate.

**Mr Mike Colle (Oakwood):** I'm going to speak on the Fuel Tax Act. As you know, if there's one thing most Ontarians are concerned about, it is the price of transportation. This is something that's dear to not only ordinary commuters but also obviously the commercial sector, which has to deliver goods and services. We certainly know there's a lot of sensitivity to the variations in the price of gas and the price of fuel in this province and in terms of the economy of this province.

One of the things that Ontarians find very frustrating is that there seems to be some kind of unholy alliance of the major producers that holds the consumer captive to these major producers so that any time — it's sort of ironic — prices will fluctuate, they always seem to fluctuate together. In other words, there's never one of the big producers that ever seems to step out of line. It's almost as if there's an order or some kind of pattern that they follow whereby they all raise their prices together, all lower them together, yet they're supposed to be in competition. It's quite unusual to see any competition, as we know.

We know the problem with long weekends, where every weekend, in the summer especially, by about Thursday night or Friday morning gas prices at the stations across Ontario go up and very few people seem to be able to answer who's responsible. Is there any attempt by the gas producers to maybe gouge consumers on those weekends? I know this government spends a lot of time saying it's not their responsibility. They tried the so-called gas-passers or gas-busters. They were a flop because they had forgotten to be on the job.

Ontarians are saying when it comes to fuel they want to have some kind of assurance that there is legitimate competition, especially when again there's very little choice, it seems, in service prices. There are small independents, but they're very few and disappearing rapidly throughout this province.

I would also mention that the other concern many Ontarians have is the availability or the assurance that the quality of gas and contaminants in gas, the sulphur content — as you know, the federal government has made quite a bold move in terms of sulphur content and it looks like at least they're going in the right direction. I think they're going towards the California approach. I think this was just released today: The majority of Ontarians say the greatest cause of ill health is the result of polluted air. They're saying that emphysema, lung disease, respiratory infections — a whole variety — and asthma are on the increase. Certainly there is a correlation between what we do with our gas pricing, the way we control or regulate gas in this province, and, down the road, people's health.

We have a responsibility to the consumers of Ontario in ensuring that the gas producers, the major petroleum companies, take into account that they are also responsible for what they sell. That's something that should be monitored, because it does have a direct effect on people's health, even though there have been lots of attempts to reduce the contaminants in gasoline and there have been some improvements, obviously, over the last decade or two in the contaminants in gasoline. The problem is, though, that there's such gridlock on our highways, that no matter how clean-burning some of our motor vehicles are, the gridlock has basically caused unlimited pollution, especially in the Golden Horseshoe, in southern Ontario. Wherever you drive in this part of the province, especially from Oakville to Oshawa, there is a complete lack of mobility. It's almost a surprise when you're not in a traffic jam or you're not in front of a flipped-over truck. As we know, we have almost a daily occurrence on the QEW or the 401 where there's a truck flipping over, jackknifing. One happens every day.

There is a correlation in terms of the cost of providing services, like delivery of goods, and the price of fuel and the value of what the consumers are getting, but Ontarians are saying transportation and fuel for transportation are at the top of the mind with a lot of Ontarians. They want things to be done in a way that protects their interests. I hope this bill will attempt to do that because Ontarians, whether they like it or not, are forced to live by the consequences of the way this government does or does not try to mitigate either the cost of gasoline or petroleum or the



consequences of the by-product of the petroleum or gas usage, which is the automobile and the truck traffic and so forth.

Since we have wall-to-wall congestion in this whole southern part of the province, I think there has to be a comprehensive look at the correlation between the use of gasoline products, the pricing of them, and also the way our whole integrated transportation system has basically gone to the brink right now. We are on the brink of not only mobility gridlock but also air quality gridlock. We have the most deplorable air quality here in Ontario. I think there are only two jurisdictions that are worse: Texas and Louisiana. Our congestion problems now rank right up there with Los Angeles.

1840

As you know, this government has chosen not to support public transportation. It's the only jurisdiction in the civilized world where a provincial or state government does not finance urban public transportation. Ontario has the worst record in supporting public transportation now, since this government withdrew its funding of public transportation. It's the only one. Whether you go to Europe or Central America or South America or Asia, whether it's Singapore or Munich or London, England, or San Francisco or Chicago, they all have state funding or provincial funding for public transportation.

This province expects property taxes to pay for public transportation. It's the only jurisdiction, again, in the civilized world where public transportation is solely on the back of property taxes. There is no provincial subsidy any more for the public buses, subways or streetcars that are in all of our urban centres.

That causes road congestion. It causes the price of transportation to go up. It is related to gas pricing; it's related to the cost of doing business. One of the reasons there is so much congestion is because if you don't have bus service in Oakville or you don't have bus service in Markham or Richmond Hill, people are forced to take the automobile. A lot of people would rather have a choice, but this government has not seen fit to invest in congestion reduction. Instead, it has taken a benign neglect approach, which basically means we are victims of this gridlock from Oshawa to Oakville.

I think we now waste \$2 billion a year in congestion. That's what congestion costs the Ontario taxpayers: \$2 billion a year. That's in the extra wages you have to pay the truck drivers, the extra wages you have to pay salespersons, the extra distance travelled, the extra gasoline you have to use. That congestion, which is caused by this government's overall lack of transportation policy, means the Ontario taxpayer is burdened with a \$2-billion cost for wasted gasoline, wasted time and all these other extra overhead costs. When a Coca-Cola truck or a delivery truck or a transport truck is stuck on the 401 like they were yesterday for three hours in some traffic jam, that consumes gas, and those wages are also added on to the cost of doing business, not to mention the people who lose time going to work.

These are part of what happens when you don't have a comprehensive policy that deals with the way we use

gasoline products, the way we price them, the way we ensure the consumer is protected and also the way we use our roads and the way we make sure there is a balanced system of public transportation and of road transportation.

It has been my pleasure to comment on this bill, and I hope people understand the implications of this bill before us on gas pricing.

**The Acting Speaker:** Questions and comments? Further debate.

**Mr James J. Bradley (St Catharines):** I'm pleased to have the opportunity to address some of the concerns I have with this piece of legislation and with the price of gasoline as a whole.

You would recognize that there have been complaints, as my colleague from Oakwood has pointed out on a number of occasions, about the fluctuation in gas prices. While I recognize this deals with the taxation aspect of it and is a rather technical bill, that won't prevent me from canvassing some of the issues which are adjacent to this particular bill. One of the provisions of the bill that I'm concerned about represents a trend which I see with this government, and that is a trend towards more and more regulation and less legislation.

The reason that isn't a good trend is that if a government wants to change a policy and do it through legislation, all of us in this House have an opportunity to examine it carefully, debate it in the House, perhaps have it go to committee, perhaps have some public input, and then the final product is put before us and everything is above-board and visible to the general public. If, however, we decide that we're going to allow the government to do it simply by the dictation of an individual minister or by regulation behind closed doors, we'll find that there is a problem that's going to arise on a continuing basis.

It is interesting to deal on this occasion with the pricing of gasoline. I have heard a lot of bravado on the other side of the House from time to time about how the government is going to control these big, bad oil companies. Before long weekends it used to be the practice over a number of years to have them raise the price of gasoline at the pump perhaps Thursday, maybe even Wednesday, of the week before a long weekend. That would annoy the public considerably because there's more gasoline to be consumed. People are generally travelling much more on a long weekend. This matter has been raised a number of times in this Legislature. I can recall addressing questions to the Minister of Consumer and Commercial Relations, the Minister of Environment and Energy, the Treasurer, the Premier, to a variety of people in this House, trying to get them to rein in the oil barons. Instead of reining in the oil barons, what we hear instead are some noises or huffing and puffing.

I well recall not that long ago that when the prices were really moving up — my friend from Etobicoke-Humber will remember this — it got so bad that they stuck a microphone in front of the Premier at a downtown hotel and he started to rail on against the oil companies, as though he was the champion of the consumer, the little guy.

Of course, when it came to taking specific action, the Premier was nowhere to be found on that occasion. Instead of being able to call them on the carpet — because the Premier has many friends in big business and he's the one who could call them in; he sees them at the fundraisers. He could say: "Look, at a fundraiser I don't have so much time. I don't have the kind of time I'd like to spend with you. I know you've paid \$750 a plate at the big fundraiser and we're bringing in all kinds of money, but I don't have the time. But I'll tell you something, I want to have you people on my carpet talking about the price of gasoline." He said: "I'm going to do something about this. I'm sick and tired of the prices going up." It was like the kid who said, "I'm going to get my big brother after you." So I asked him, "What are you going to do?" He said, "I'm going to get the feds after them."

Of course, that's always the easy thing for him to do, because we know the Premier and his ministers are large as life when it comes to accepting the credit but are nowhere to be found — they're like Casper the ghost when they have to assume some responsibility. The chief government whip knows that; he smiles. He knows that in fact the case.

I remember addressing a number of questions to ministers in this House. Did they denounce the oil companies? No, they didn't. They appear to be the friends of the oil barons. Did they say they were going to take some action in this House? No, no action. "We're going to pass a resolution to tell the feds to do something." The Minister of Consumer and Commercial Relations went to a meeting in Saskatchewan: "We're going to bring a resolution there" — when, of course, as my friend from Etobicoke knows, we have jurisdiction in this House to pass a predatory pricing law.

The predatory pricing law is the following: As you know, the oil giants from time to time will sell to their own dealers at a price lower than they will sell to the independents. What is the purpose of this? The purpose is that if they get the price low for a short period of time with their own companies, their own dealers, they can make the independents uncompetitive and put them out of business, and then they'll have the whole game to themselves and they'll be able to carry out any price increases they decide.

1850

I called upon the Minister of Consumer and Commercial Relations. I said, "Look, you'll get full support from the three parties, I'm sure, if you pass a predatory pricing law as it relates to gasoline." I think my friend from Quinte, if the shackles were taken off him — because he's been very concerned about this — would support such a law, and he wouldn't be one simply to point the finger somewhere else when he knows the Ontario government could do it.

Let me tell you who didn't point the finger somewhere else: Bill Davis. Back in 1975, I remember this happening — I have a note; it says 1975.

**Mr John Hastings (Etobicoke-Rexdale):** That shows how old you are. That was a long time ago.

**Mr Bradley:** That was before I was a member of the Legislature; I was just a member of St Catharines city council at the time. I well remember that Bill Davis brought in a bill which froze the price of gasoline. We had the Minister of Consumer and Commercial Relations saying: "I have nothing to do with this. You know I have no jurisdiction. It's somebody else. It's the feds. Go and see somebody else." Bill Davis wasn't afraid in 1975. I know it was just before an election, but I'm sure that had nothing to do with it. In 1975 he brought in this bill which in fact froze the price of gasoline for 60 days, and then it was extended beyond that, and then we had a provincial election. Then I think the price went back up again. But he was prepared to do that.

Every time I ask somebody in the House on the government side, "What are you prepared to do?" they didn't know about Bill Davis taking this action. I applauded Bill Davis on that occasion. I was first in line to applaud him for saying, "I'm going to keep the price of gas frozen for 60 days," then extending it to 90 days. I know that had nothing to do with the provincial election in 1975, so don't try to tell me that was the major factor in forcing Bill Davis to do it. I think he did that because he saw it was the right thing to do. If he were in the House today — if he's watching tonight, I'll tell him he did the right thing on that occasion.

The other thing I heard about was the gas-busters. They've got these four backbench Tory MPPs who didn't have much to do, I guess, and they bought them some cameras. They got the throwaway cameras. I'm telling the Minister of the Environment they were throwaway cameras, I think —

**Mr Ted Chudleigh (Halton North):** Regular cameras.

**Mr Bradley:** Regular cameras, I'm told. I'm assured by Mr Chudleigh that they are regular cameras and I'll take his word.

They were going to go around and take photographs, remember? They were to go to the various stations and take pictures —

**Mr Chudleigh:** They had to use their own cameras.

**Mr Bradley:** They had to use their own cameras, he says.

They were going to go to each of the gas stations and take photographs, as though somehow the oil barons, who had already thumbed their noses at Premier Harris, the rough, tough guy who was going to tell them what to do — they were going to take pictures and this was going to stop it. I'll tell you something: On the last long weekend I saw those prices were up again. Either the gas-busters were asleep at the switch or perhaps they felt the problem had been solved.

The fact is, as my friend from Rexdale knows, it was just a public relations play. If you want to take action on gas prices, you do two things within your jurisdiction. First of all the Premier, who has many friends who are oil giants, the barons of industry, the captains of the oil industry — he's good friends with them — could call them into his office and say, "I am sick and tired of seeing



these prices fluctuating up and down, particularly up, at times when consumption is likely to be high." But I haven't seen them. I've been trying to check the appointment book of the Premier and I don't think they've been in to see the Premier. I don't think he's called them on the carpet to see what the prices are.

I would have thought that somebody who has been so rough and tough with people at the lower end of the economic echelon in this province would be equally rough and tough with the oil barons, with the giants of the industry, but he hasn't been, just as our Minister of the Environment is very reluctant to see sulphur reduced in gasoline. He said: "Oh you shouldn't bother these companies too much now. That's something that shouldn't happen. You've got to be careful." In other words, every time they go "boo," the Minister of the Environment, on the orders from the Premier's office, takes a step back. My friend Norm Sterling is a good guy. I get along very well with Norm. We were elected the same year, 1977. I'm sure he would like to take action, but he can't get that by the whiz kids. The whiz kids have to please the industry out there and that's first and foremost.

So we're not going to see lower prices for gasoline until we see a predatory pricing law passed in this province prohibiting —

**Mr Douglas B. Ford (Etobicoke-Humber):** Socialism.

**Mr Bradley:** I'm glad the member for Etobicoke-Humber interjects because I want to tell you that at least 20 states in the United States — that's not a socialist country — have passed predatory pricing laws, including Republican states. A number of other provinces have passed such laws, and yet in Ontario you seem reluctant to do so. So all I can conclude is that when push comes to shove, the members of the Conservative Party — or at least the Premier; I won't blame the party — the Premier and his closest advisers —

*Interjection.*

**The Acting Speaker:** Member for Etobicoke-Rexdale, come to order.

**Mr Bradley:** — are going to be on the side of the oil giants and not on the side of the consumers, even though I'm convinced some of my friends on the government benches would like to see them take that action.

They'll be looking for the Premier. Maybe at the next fundraiser you can go over to the table where the oil giants are and say, "Look, we would at least like to see you maintain the prices at a reasonable level," because, as you will know, more recently the price of the barrel has gone down, the price where it's being produced has gone down, and yet the prices go up. The poor people in northern Ontario, way up there particularly, really face consistently some very high gas prices.

I hope that we don't get some of the answers I've had. Here are some of the answers I've had from ministers when I've asked them questions. Here's a quote. I asked the minister of — I think it was tourism in this case. Yes, it was tourism because I thought some of the Americans coming here and others from other provinces are going to

look and say: "My gosh, the prices are high. Should we come to Ontario?" Here's what he said:

"We don't intend to dictate to companies what they should and should not do.... I have no intention of interfering with the free enterprise system, the pricing system. If we were to do that we would be a laughingstock, sir. It would be a big mistake for this province. We would not attract businesses to this province."

That's when I asked the minister of tourism if he was going to do something about it. That was his answer. He obviously didn't consult with the Minister of Consumer and Commercial Relations, who was shuddering as he was saying this. They handed a note back — it was the government whip on that occasion — that said, "Blame the feds." That's what the note says. Mr Turnbull has been in the House a while; he knows the game. He said, "Blame the feds."

I was just giving credit to you, chief government whip, for handing a note back to Bill Saunderson to say, "Blame the feds." Remember when he gave you that?

Now, I want to give Bill Saunderson credit. He gave an honest answer. Others huffed and puffed. Others pretended they were going to do something. Bill Saunderson said, "We don't intend to dictate to companies what they should and should not do." He said: "It would be a big mistake for this province. We would not attract business to this province." That was an honest answer and I appreciated it, but others in the government tried to pretend they were going to do something about it when Bill had already given the answer.

**1900**

**Mr Gilles Bisson (Cochrane South):** Is that misleading?

**Mr Bradley:** Possibly.

I remember when the Minister of Environment and Energy — I think he was Minister of Consumer and Commercial Relations in those days; it might have been energy. I asked him a question because I knew who he was going to blame. You see, it's never the big oil companies. Sometimes it was the feds he would blame.

I asked him the question that day, and I remember the same question was being asked in the United States and Newt Gingrich and the Republicans were all giving this answer: "Well, it's the taxes." Of course it wasn't the taxes that had gone up; in fact, it had been the price. The oil barons had shoved the price up to the very highest. With the price going up, of course — if it's an ad valorem tax, for instance — it's going to go up as well.

But the Republicans in the United States said: "We've got the enemy. Let's cut the gas taxes." If you cut the gas taxes, the companies will simply increase their prices and take that as more profit for the company, which you expect a company to do. I'm not saying I don't expect it, but don't blame the taxes for the price of gasoline when it goes up the way it's been going up.

I'm not blaming Ernie Eves. I'm not here blaming Ernie Eves tonight for his taxes on gasoline. I'm not blaming him for it. What I am saying is it's the oil giants who are doing that; the oil companies who are shoving

those prices up. Like a dinosaur, they are converging across the province, attacking the independents, those independents who don't have any affiliation with the big oil giants, who try to provide gasoline at a reasonable price to the folks in their area. Unfortunately, they're going to be driven out of business unless there is a predatory pricing law passed in this province.

I've given the government what, three and a half years to do this? I would have thought by now we would have had this law. My friend from Quinte and I would both support it. He would be up cheering it. I would be cheering it. You know what you could say? You could say: "It's action we in Ontario were prepared to take. We wouldn't blame the municipalities. We won't blame the last government or the government before. We won't blame anybody else. We're going to take action ourselves." I would be up here applauding that. I would lead the applause on the opposition benches if such a law were introduced. I really would.

#### *Interjections.*

**Mr Ford:** You'd run out to the newspapers with a glowing smile.

**The Acting Speaker:** Order, please.

**Mr Bradley:** I would even speak in glowing terms about the fact the government had at long last been dragged kicking and screaming into a law which would simply protect independent business people in this province.

**Mr Chudleigh:** Kicking and screaming, not glowing.

**Mr Bradley:** I would have to change that then. My friend is right. I would have to change that to "I'm pleased to see it coming forward." I'll modify that because that would be unfair. He's quite right in reprimanding me for saying on one hand it was going to be glowing terms and then on the other hand kicking and screaming. Objection sustained, as I think they say in the courtroom, and the jury should not have listened to what I said on that occasion.

This bill itself I guess is a relatively minor bill. I just overall tell members of the House, no matter what party they're in, that you shouldn't let governments do things by regulation when they can be done by legislation. This bill is not going to take long. It will be completed tonight because it's a technical bill of not great significance. But it has to be passed and I'm sure there will not be a problem in passing it tonight.

It doesn't matter much to the public because the public don't relate very often to whether things are done by regulation or government order or by legislation. But every opportunity you get, we should have it before the House. If it's good, if it's justified, the people will agree and will give their nod of acquiescence to government legislation. If it is not, then there will be some trouble for the government. They might withdraw the legislation, they may amend the legislation or they may proceed, regardless of the kind of objection there might be.

I do call upon our Premier, the rough, tough man with the sharp elbows, the person who can be the strongest person in the world when it comes to dealing with some

segments of the population, to take those oil barons by the tie, bring them into his office and say, "Look folks, it's time you gave Ontario motorists a break."

By the way, the last thing I should say is that the Canadian Automobile Association is opposed to your toll road. I had to remember to say that tonight.

**The Acting Speaker:** Questions and comments? Further debate.

**Mr Bisson:** I plan on saying a few things in this debate, because I find it quite interesting that we're here tonight having an opportunity to talk about taxes as they apply to gasoline. The bill in itself, we know what it does. It basically changes the way they account for how you sell gas based on the temperature conversions of cold to hot. I don't even want to get into that one. But every now and then you have a bill that comes before the House that allows members to speak a little bit more widely than is normally allowed, because it's a tax bill. I want to take this opportunity to put a couple of things on the record.

The first thing I want to do is pick up on something the previous member talked about. I remember — it wasn't that long ago; I think it was the long weekend in August, if I remember correctly — the government announcing with great fanfare that a whole bunch of backbenchers went out and bought cameras. They were going to travel around the province and take pictures of a bunch of gas pumps here and there. They were called the gas-busters. That was the response of the Mike Harris government when it comes to what's happening with the price of gas in this province. We know what happens is that, all of a sudden, come close to the long weekend, for some strange and mysterious reason that has nothing to do — oh, no — with the gas companies, the price of gas — it's a miracle — goes up. At the end of the long weekend, when there's less utilization of cars, because that's the way it is, the price of gas comes down a little bit. Also, the other big problem is that the farther north you go and the more you live in rural communities, the price of gas is higher and higher.

This government is not exactly foolish. They understand that in northern and rural Ontario people are mad. People are saying, "Why do I have to pay eight to 10 cents a litre more, in some cases 15 cents a litre more, for a gallon of gas in Kapuskasing as compared to, let's say, downtown Toronto?" "We know what we're going to do. We're going to put something in place," said Mike Harris. "We're going to send my backbench, that tough group of guys. They're all going to go out and buy cameras and call themselves gas-busters and take pictures of gas pumps, and then they're going to go around and scare these companies into making sure they don't gouge the public when it comes to the price of gas."

You know what? I remember hearing that and thinking to myself, smart politics. Not very much when it comes to substance, but very smart politics. Then, the following long weekend, in September, he sent the same crew out again with their cameras. This time they didn't have to buy cameras, because they had bought the cameras the long weekend before. But a strange thing happened: There was really no difference in what the gas companies did



from one long weekend to the other. They still ended up jacking the price of gas up as compared to what it was before, even with Mike Harris's gas-busters going out on to the highways and the byways of the province.

The reality is that there's only one way you can fix the problem when it comes to the price of gasoline in Ontario. Well, there are a couple of ways, but the primary way is that the federal government has to decide it's going to do something about it, because basically this is federal legislation. It would take the feds to come and say, "What is going on? Are these gas companies into collusion? Are they sticking together and jacking the price of gas up, like a cartel getting together and deciding how they're going to gouge the market when it comes to the price of gas if you live in northern Ontario?" or wherever you might be, and basically have that proved and then go after those companies to push the price of gas down.

We know the federal government has no interest in doing that. We asked the Tory government that was there before, under Brian Mulroney. I was a member of the government. I remember in 1990 being elected. At the time, our Minister of Economic Development and Trade was Ed Philip. He had actually asked the federal government if they would be willing to do something about checking out these gas companies and putting an end to this gouging that we see in the price of gas. Brian Mulroney said: "No, not me. I'm the party of free enterprise." He said, "I'm not going to go after these big gas companies, because they have a right to operate in our economy and charge what the market will bear." That was his belief.

We then talked to the opposition parties. We talked to the New Democrats, of course, our federal cousins in Ottawa, and we talked to the federal cousins of Mr Bradley. The Liberals then agreed with the NDP. They said: "Yes, there's price-fixing going on. The price is being fixed." The Liberals in opposition — I remember who was the Leader of the Opposition at that time. It was none other than Mr Chrétien himself. "Yes, we agree," said the critic. "My leader said there's a problem, and if we're elected to government we're going to do something about this."

**1910**

Well, you know what happened in 1993. The Tories were swept out of power; so were we, federally. We dropped down to not even a caucus at that point. But I'll tell you — I'm talking federally — what happened in 1993 was Chrétien, his whole gang, swept almost all the seats in Ontario. I think they got them all, actually, but one. Then they ended up getting a whole bunch of seats everywhere else and it became a huge majority government. I thought, as a member in the Ontario Legislature on the government side, "We have some allies in Ottawa who are going to finally do something about the price of gas."

I think at that point the economic development and trade minister was Frances Lankin. I think it was Frances because I remember talking to her about it and saying, "What are we going to do?" I said, "We're going to reapproach the federal government to see if they're willing to do something." Something happened on the way to

power, because they didn't do anything. Do you know what the response of the Liberal government in Ottawa was? The same response as Brian Mulroney not more than two years before. So I thought to myself, "Hang on a second, the Liberals when they were the opposition said they were going to do something." Then they got elected, and what did they do? They were just like the Tories. So I say, no difference. If you're going to have Tories, you may as well vote for the real thing. That's my view. If you want social democrats, vote for the real thing — that's us. I think that's the way it works.

I had to put that on the record. I really find it interesting, because there are a whole bunch of people in my riding who are as upset as heck when it comes to the price of gas, including myself. We have how many federal Liberals in Ontario? I think there are 98 out of 99 — no, there are 103 seats, so it's a little bit more than that. There are 101, 102, something like that. Now they're in their second term in government and they're still not doing anything. In fact, the government has actually come out and said, "No, we will not investigate the gas companies; we will not do a darned thing," because they believe in their second term what they believed in their first term, which is, leave the gas companies alone; they're poor old guys and they don't need to be picked on.

I have to draw some conclusions from this. Is it politicians trying to take advantage of an issue? As a New Democrat, I've never run in a campaign and said, "Elect me and I'm going to change the price of gas." I knew better, because I understood that was federal. As a matter of fact, my leader said that once, and I didn't think it was a very good idea — not my current leader; the previous leader. He had talked about gas, and that you can buy a case of beer anywhere in Ontario for the same price but you can't buy —

**Mr Bradley:** He has got his new book out. Have you read his new book?

**Mr Bisson:** I'm not in it; that's the good news.

**Mr Garry J. Guzzo (Ottawa-Rideau):** Wait for the third edition.

**Mr Bisson:** I wish people watching back home could listen to the comments in the House sometimes. They're hilarious.

Anyway, back to the debate. The point I make is this: I never believed that as a provincial politician you should be out there saying you're going to do something specifically to fix the price of gas, because the reality is that it's a federal responsibility. The feds have to do their thing. I would ask people watching back home to pick up their telephones if they think the price of gas is high. They should be calling their federal Liberal members in Ottawa and saying, "Tell Jean Chrétien to do what he said he'd do when he was in opposition, prior to 1993."

**Mr Hastings:** Who?

**Mr Bisson:** Jean Chrétien, you know, the federal Liberal leader. He's the Prime Minister of Canada.

*Interjection.*

**Mr Bisson:** Is it Jean Mulroney? I forget. Anyway, that's his name.

The point is, they should pick up their phones and call the Liberal member in Ottawa to do something about it.

On the other hand, I have to say that this Tory government took a very interesting approach. They took a political approach and sent the gas-busters out. I don't think that is anything but a bunch of photo ops, and I think we should be clear on that. On the other hand, when we were a government we tried to do something. We thought, going into government, we should try to do something as a response from the province to offset the price of gas whatever way we were able to do it. When we were elected to government, we said, "All right, there's a motor vehicle registration fee that you pay to register your vehicle in Ontario when you get your plates every year." For people living in northern Ontario, we would take that fee off. The idea was that it's not going to offset the entire difference in the price of gas between northern Ontario and southern Ontario, but at least it would send a signal to northerners that their provincial government hears the problem and wants to try to do something positive about it.

We had a couple of options. As a provincial government we could have said, "We'll apply the taxes differently at the pump in northern Ontario than in southern Ontario," but when you get into that it's very complicated. Where do you draw the line? It wouldn't be very practical, we found out. So we decided to take off this motor vehicle registration fee, so northerners got a break when it came to registering their cars every year, getting their stickers, and that would offset a little bit the price of gas.

The election of 1995 happened. I remember that one well. That's when we got turfed out of office and the Tories came in here with a huge majority. I thought, listening to Mike Harris when he was in opposition and during the campaign, he was going to try to do something about the price of gas. You know what he did? One of the first things he did for northerners was to reinstate the motor vehicle registration fee that we had taken off.

**Mr Bradley:** No, surely not.

**Mr Bisson:** Yes, that's what the Harris government did. Now I'll be nice to you. That's very good; that was a good heckle.

Anyway, he put it back in place and that's pretty odd coming from a northerner. I would understand that Mike Harris coming from North Bay would have some sympathy for what northerners go through when it comes to the price of gas.

I invite members of this assembly — you're going to have constituency week for two weeks. We'll all be back in our ridings working hard, but if you get an opportunity, I want to invite you to drive up Highway 11 and, as you drive up, bring your camera with you. All you guys who are gas-busters out there, just keep on driving up Highway 11 and watch the price of gas increase as you go farther and farther north. If you get into around Kapuskasing, oh my Lord, you're just going to be really surprised at what the price of gas is there.

Then when you do get the pictures, what you should do is have them developed, put them inside an envelope and send them off to the federal Liberal government and say to

them: "Listen, there's a problem in Ontario. As a provincial government we want you, our federal government, to do something about it." They didn't listen to us when we were in government. We tried with the Tories and we tried with the Liberals and they wouldn't do it. Maybe they'll listen to Mike Harris. Maybe there's another approach we didn't see, but I would encourage you to do that. That would be really helpful. That's the issue of the gas tax.

The other thing I want to raise is that the Minister of Finance came in today and gave his economic statement, the 1998 Ontario Economic Outlook and Fiscal Review. He read his entire statement. I've got to say two or three things about this statement. What's really interesting is that the Harris government is trying to make people in Ontario believe that all of the positive things that we've seen in the economy over the last three years, as far as the growth that we've seen in our economy is concerned, because there has been some growth, is all somehow caused magically by the tax cut, this phony tax scheme the Tories have put in place.

I thought it was rather interesting that for the first time I've actually seen the Tories admit what really is the issue when it comes to what's happening in the Ontario economy. The minister had it in his statement where he talked about how the American economy is doing well, and because the American economy is doing well and we export about 80% of our goods into the United States, consequently the Ontario economy has done well.

That's the point I want to make. I know most of you Tories over there are going to sit there and laugh at this, but my blood has boiled when I've listened to this government over the last three years try to make people believe that everything that happened from 1990 to 1995 vis-à-vis the economy was a result of the Bob Rae government, and then, on the other hand, say that since 1995 everything that's good that's happened in Ontario when it comes to the economy is as a result of the Harris government. The reality is that Ontario's largest trading partner is the United States of America, and if the United States of America goes into a recession, which they had in 1989-90, the economy of Ontario goes down with it.

You can try to spin this as much as you want, whatever way you want. The reality is that what ends up happening is that when the economy goes down in the States, Ontario's economy is dragged down with it. Why? Because of the very point that the Minister of Finance made in his statement today, which was to say that better than 80% of the exports from Ontario are into the American economy. That's the first point I want to make: If our economy did badly in 1990 and the economy is doing well now, by and large a big reason behind that — not all of it but by and large a big part of it — is what happens in the American economy. You can try to spin that any way you want, but that is the reality.

**1920**

The second thing is that the government, in its economic statement, talked about how much more income tax the government is collecting as a result of their phony



tax scheme. I think it has to be put on the record that what they're saying is wrong. The reality is that the amount of income tax collected in Ontario has actually gone down as a result of the tax cut. For the government to all of a sudden try to make us believe that everything that's happened in the economy is as a result of the income tax scheme is wrong. If you look at the actual income tax collected by the provincial government in 1996-97, it went from \$16.357 billion to \$16.293 billion the year after. If you look at the budget statement, the budget statement outlook for 1998-99 calls for about \$14 billion in income tax. So the government recognizes that it's a sheer loss of revenue.

When the government takes off its books about \$5 billion in taxation revenue by way of the phony income tax cut, that means to say the province collects that less money. There's no way, when you go and add up all of the numbers of the new revenue that has been collected in Ontario, that it even comes close to offsetting what it is that you have gotten vis-à-vis the loss of revenue from the province. We know that you've lost about \$5.5 billion this year as a result of the tax cut, but when you look at the increase in revenue in other areas, for example in gasoline tax, you've gone from \$2.028 million to \$2.045 million, so a jump of about close to \$20 million. If you look at the employer health tax, it's actually down. If you look at the corporation taxes, corporation taxes are up just slightly, about \$150 million in total. When you look at the retail sales tax, your retail sales tax collections are up somewhere around \$500 million over last year.

The point I make — and this is very important — is that if you add up all of the increases in the revenue in Ontario around taxes — now we're not talking about your user fees, we're not talking about all the hidden taxes that you've put in by way of user fees. I'm just talking revenue by taxation: PST, income tax, corporation taxes, employer health tax, fuel taxes, tobacco taxes, land transfer taxes. When you add all of those up, your revenue has only gone up over last year by something less than \$600 million.

The point I make is that you've lost \$5.5 billion in revenue and the total tax gain that you've made overall is \$600 million. In other words, you're still \$5 billion shy. That's what people have to understand, that in the end, when you give the tax cut, it doesn't necessarily do what the government says it does, which is spin all kinds of positive influence in the economy.

What do most of us do with our tax cut? Those people, by and large, who gained by the tax cut are people making over \$80,000 a year. If I'm making \$80,000 a year — I make \$79,000 a year as a member of the Legislature. If, let's say, the tax cut gives me \$1,000 or \$1,500 a year, what do you think I do with it? Do I go out and spend it? No, I put it in a mutual fund, or you go on a holiday outside of Canada. That's what most people who have money do with the money they get by way of a tax cut. They either invest more into their mutual funds or they take off and they go on a holiday somewhere. There is a good percentage of the money that goes to that. Sure there are some individuals who will spend some of it, but the

point I make is that about 80% of the money gotten back by way of the tax cut by those people over \$80,000 is being used not in direct benefit to the Ontario economy.

Those people below, those people getting the tax cut at the \$30,000 or the \$40,000 range, the tax cut is so small it doesn't make a difference. It's a difference of about \$600 a year for somebody making about — the average wage in my riding is around \$35,000 to \$40,000 a year and the tax cut savings for people like that is in the neighbourhood of about \$600 to \$800 a year at the most. The \$600 to \$800 doesn't do anything extra in my community. All it means for most people is that they're going to use that money to try to offset the increase they're going to get in taxation from the municipality as a result of your assessment system and your downloading to the municipalities.

**Mr Guzzo:** What about the feds?

**Mr Bisson:** We talked about the feds at the beginning of the speech. But the point I make is that this argument you put forward, that the income tax cut has stimulated the economy and \$5 billion went into the economy and got it going, the reality is that it didn't come out to that. In fact, if you guys hadn't done the tax cut and had taken that money and applied it against programs in Ontario, our budget would be pretty darned balanced by now and we would not have gone through the cuts your government has had to make to health care, to education and other programs in order to fund your phony tax scheme.

Those are the points that I wanted to make. I know it's getting late in the evening and I'm sure there are many more members who want to get up to speak on this most important bill. I want to thank the members of the assembly for having this opportunity to hear my argument. I know after this they're all convinced. They're going to go see Mike Harris and say, "Mike, you've got to turn back that income tax scheme because that's the stupidest thing we've ever done."

**The Acting Speaker:** Questions and comments?

**Mr Gerard Kennedy (York South):** I'm happy to comment on the member's dissertation here tonight. We're always happy to see the new PC-NDP party at work, having the very same effect, which is to avoid the responsibility of this House, of this government.

This bill we're speaking about tonight shouldn't be about regulating the temperature of fuel taxes, it should be putting some heat under this government for what it hasn't done about fuel prices in this province.

What have we got? We've got a minister who huffs and puffs and blows every time the price of gas goes up five and six and 10 cents and does nothing about what's happening in terms of the concentration in this province of refining capacity, of making sure that those refiners have to sell gas to independents to keep a fair retail price out there. People in this province aren't going to be hoodwinked.

This is exactly the kind of thing we've come to expect from this government. Today they tell us MRIs are going to happen in this province. Is that true? No, it isn't. Instead, the government has the audacity to announce MRIs that they won't pay for. We have the member for

High Park-Swansea, who was at the announcement, talking about MRIs that will not be paid for by this government. They cost a million dollars a year to run. What will Mike Harris do to make sure diagnostic imaging is available? It pays less than 15% of the cost. Will Mike Harris's government pay for the cost of those MRIs? Not 10 cents. The \$2 million has to be raised privately, paid for privately, and just like this fuel bill, we have no substantial protection for the people of Ontario. Instead, what we have is flim-flammy on the part of this government, a government that is spending more on public relations than on government services.

I'm sure we can expect that when it comes to fuel prices and protection for consumers in this province, if this government starts to believe it's a concern to consumers that's attaching to them, we'll see an ad campaign. We'll see money wasted, like the \$42 million that has been spent so far. When it comes to school closures or hospital closures or any of those things, the only thing they want is to hoodwink the public. It's not going to work in the case of fuel prices, it won't work in health care and it won't work at the time of the next election.

**Mr Colle:** I was interested to listen to the dissertation of our colleague from Cochrane South. It's interesting the comment he made, and I really agonize over the fact that our northern friends do pay too much for gasoline. I think it is really difficult on our northern friends.

The only thing is that he doesn't realize that the prices in the GTA may be a bit lower, but when you add on what we have to pay for gasoline when we're stuck in traffic — the average Torontonians are stuck in a traffic jam for an hour every day of his or her life. By the time you factor that congestion cost in, we probably pay about the same as our northern friends. I hope you'd have some sympathy with the people in Toronto who are stuck in these traffic jams.

I also notice the member was prompted by his colleagues on the Conservative bench continually to pick on the Ottawa federal party. It's a really weird alliance. We've got the PC-NDP alliance here in Ontario. I notice his federal leader in Ottawa formed an alliance with the Bloc, where she praised the Bloc health care programs in Quebec in the middle of an election.

I think my colleague from Cochrane South is going to have to find out how he's going to work his socialist ideology along with prompts from his Conservative friends across the aisle and the Bloc and Mr Bouchard in Quebec.

I think the critical thing we have to remember is that this government should be passing a bill about predatory pricing to stop the gouging of Ontario gasoline users, whether it be in Timmins, Cochrane, Wawa or down here in Windsor or the town of Weston. That's what we should be debating tonight: the rip-off of Ontario consumers.

**Mr Bradley:** I'm getting some advice from the chief government whip, who tends to think that these debates go in cycles. I don't know where he would get that idea. The opposition asks the questions.

I asked Bob Elgie, when he was the Minister of Consumer and Commercial Relations, a question on this

matter. You'd be interested to know that he had the same briefing note that every minister has had since then. That briefing note about how we're monitoring those prices must be changed in the book.

I'm going to ask the member for Cochrane North, because he would like to know this —

**Interjection:** South.

**Mr Bradley:** South. I keep saying North because I think he's going to run in Cochrane-Superior.

"Canada's oil companies are about to get an earful from Queen's Park.

"Consumer minister Dave Tsubouchi says it's appalling that gas prices shot up by as much as eight cents a litre just before the long weekend." That was in October.

"He said the government 'gas-busters' will be 'reading the riot act' when they meet with executives of the biggest oil companies in Canada next week.

"On weekends throughout the summer, the group of Tory backbenchers hit the road to photograph gas stations and monitor prices."

"Tsubouchi said prices skyrocketed heading into the first long weekend that monitoring was not scheduled."

I am surprised that with the knowledge that we could have those gas-busters out there, the oil barons were not shaking in their boots. I know my friend from Cochrane South would wonder that as well.

But there are two areas where the province does have jurisdiction. Here we are, whether we like it or not, elected to the provincial House, so they have some responsibility — I never liked letting them off the hook — and they can pass a predatory pricing law prohibiting the big oil companies, the oil barons, from selling at a lower price to their own dealers than the independents. I want to know if my friend from Cochrane South would like to see such an act passed in this Legislature. I'm sure he does.

**The Acting Speaker:** The member for Cochrane South.

**Mr Bisson:** To the member for St Catharines: You said that the minister was going to go in and read them the riot act. I've got to tell you, all it was was pillow talk. There was no riot act. It was Alice in Wonderland. That was the book of choice reading.

To the member for Ottawa Centre: It's true. People in Toronto get stuck in traffic because you have heavy traffic and you've got big roads.

**Interjection.**

**Mr Bisson:** Did I say Ottawa? Sorry, Toronto.

You talk about people being stuck in Toronto on roads; we'd like to have roads that we can get stuck on. That would be a good thing. There's a whole bunch of roads like the road that goes into Sultan and a road that goes up to Detour Lake. They're not paved; they're rough. A lot of the highways that we have are in pretty bad shape. We would be happy to get a little bit of that asphalt, as we call it in northern Ontario, and put it on the highways in northern Ontario. Then maybe we can look forward to a traffic jam and getting stuck in one of those. That would be fun. That would mean to say there's lots of things going on in northern Ontario.



Also to the member for Ottawa Centre — did I say Ottawa Centre? Excuse me. Now I caught on to what you were saying a little while ago. I called you Ottawa Centre and I had the wrong riding. Anyway, to the member for Oakwood: You complained about my ideology. You talked about the PC-NDP alliance. I have an ideology. I'm not so sure about your party at times, which I guess is the point I would make.

I want to make a general comment to the three members who spoke, which is that we need to keep our target on these guys on the other side of the aisle. Yes, there's a time to keep a target on them, but I'm also of the mind that you've got to be somewhat fair about this. The reality is that gas regulation falls under the federal jurisdiction and we have to get our federal government to do something about it. I think it's a legitimate problem. I think people are legitimately upset. I would call on all members of the House and I would call on the PCs and the Liberals to get

a hold of Brian Mulroney or Chrétien, whatever his name is, and do something about it.

**The Acting Speaker:** Further debate? Mr Grimm, would you like to sum up?

**Mr Bill Grimm (Muskoka-Georgian Bay):** No, thank you.

**The Acting Speaker:** Mr Grimm has moved second reading of Bill 74, An Act to amend the Fuel Tax Act and the Gasoline Tax Act. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading? Agreed.

**Hon John Snobelen (Minister of Natural Resources):** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

This House now stands adjourned until Monday, November 23, at 1:30 pm. See you then.

*The House adjourned at 1935.*

# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Chris Stockwell

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma	Wildman, Bud (ND)	Grey-Owen Sound	Murdoch, Bill (PC)
Algoma-Manitoulin	Brown, Michael A. (L)	Guelph	Elliott, Brenda (PC)
Beaches-Woodbine	Lankin, Frances (ND)	Halton Centre / -Centre	Young, Terence H. (PC)
Brampton North / -Nord	Spina, Joseph (PC)	Halton North / -Nord	Chudleigh, Ted (PC)
Brampton South / -Sud	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Transportation / ministre des Transports	Hamilton Centre / -Centre	Christopherson, David (ND)
	Preston, Peter L. (PC)	Hamilton East / -Est	Agostino, Dominic (L)
Brant-Haldimand	Johnson, Ron (PC)	Hamilton Mountain	Pettit, Trevor (PC)
Brantford	Fisher, Barbara (PC)	Hamilton West / -Ouest	Ross, Lillian (PC)
Bruce	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister of Long-Term Care, minister responsible for seniors / ministre des Soins de longue durée, ministre délégué aux affaires des personnes âgées	Hastings-Peterborough	Danford, Harry (PC)
Burlington South / -Sud	Martiniuk, Gerry (PC)	High Park-Swansea	Shea, Derwyn (PC)
	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of the Environment, government House leader / ministre de l'Environnement, leader parlementaire du gouvernement	Huron	Johns, Helen (PC)
Cambridge	Morin, Gilles E. (L)	Kenora	Miclash, Frank (L)
Carleton	Carroll, Jack (PC)	Kingston and The Islands / Kingston et Les Îles	Gerretsen, John (L)
	Wood, Len (ND)	Kitchener	Wetlaufer, Wayne (PC)
Carleton East / -Est	Bisson, Gilles (ND)	Kitchener-Wilmot	Leadston, Gary L. (PC)
Chatham-Kent	Cleary, John C. (L)	Lake Nipigon / Lac-Nipigon	Pouliot, Gilles (ND)
Cochrane North / -Nord	<b>Johnson, Hon / L'hon David</b> (PC) Minister of Education and Training / ministre de l'Éducation et de la Formation	Lambton	Beaubien, Marcel (PC)
Cochrane South / -Sud	Silipo, Tony (ND)	Lanark-Renfrew	Jordan, W. Leo (PC)
Cornwall	Castrilli, Annamarie (L)	Lawrence	Cordiano, Joseph (L)
Don Mills	Tilson, David (PC)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Solicitor General and Minister of Correctional Services / solliciteur général et ministre des Services correctionnels
Dovercourt	<b>Flaherty, Hon / L'hon Jim</b> (PC) Minister of Labour / ministre du Travail	Lincoln	Sheehan, Frank (PC)
Downsview	O'Toole, John R. (PC)	London Centre / -Centre	Boyd, Marion (ND)
Dufferin-Peel	<b>Ecker, Hon / L'hon Janet</b> (PC) Minister of Community and Social Services / ministre des Services sociaux et communautaires	London North / -Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Intergovernmental Affairs, minister responsible for women's issues / ministre des Affaires intergouvernementales, ministre déléguée à la Condition féminine
Durham Centre / -Centre	Munro, Julia (PC)	London South / -Sud	Wood, Bob (PC)
Durham East / -Est	Saunderson, William (PC)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
Durham West / -Ouest	North, Peter (Ind)	Middlesex	Smith, Bruce (PC)
	Hoy, Pat (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Durham-York	Crozier, Bruce (L)	Mississauga North / -Nord	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Eglinton	Ford, Douglas B. (PC)	Mississauga South / -Sud	<b>Marland, Hon / L'hon Margaret</b> (PC) Minister without Portfolio (Children's Issues) / ministre sans portefeuille (enfance)
Elgin	Kells, Morley (PC)	Mississauga West / -Ouest	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister without Portfolio (Privatization) / ministre sans portefeuille (privatisation)
Essex-Kent	Hastings, John (PC)		
Essex South / -Sud	<b>Stockwell, Hon / L'hon Chris</b> (PC) Speaker / Président	Muskoka-Georgian Bay / Muskoka-Baie-Georgienne	Grimmett, Bill (PC)
Etobicoke-Humber	McLeod, Lyn (L)		
Etobicoke-Lakeshore	Marchese, Rosario (ND)		
Etobicoke-Rexdale	Vankoughnet, Bill (PC)		
Etobicoke West / -Ouest			
Fort William			
Fort York			
Frontenac-Addington			



Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean	Baird, John R. (PC)	Sarnia	Boushy, Dave (PC)
Niagara Falls	Maves, Bart (PC)	Sault Ste Marie /	
Niagara South / -Sud	Hudak, Tim (PC)	Sault-Sainte-Marie	Martin, Tony (ND)
Nickel Belt	Morin, Blain K. (NDP)	Scarborough-Agincourt	Phillips, Gerry (L)
Nipissing	<b>Harris, Hon / L'hon Michael D.</b> (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Scarborough Centre / -Centre	Newman, Dan (PC)
	Barrett, Toby (PC)	Scarborough East / -Est	Gilchrist, Steve (PC)
Norfolk	Galt, Doug (PC)	Scarborough-Ellesmere	Mushinski, Marilyn (PC)
Northumberland	Carr, Gary (PC)	Scarborough North / -Nord	Curling, Alvin (L)
Oakville South / -Sud	Colle, Mike (L)	Scarborough West / -Ouest	Brown, Jim (PC)
Oakwood	Caplan, David (L)	Simcoe Centre / -Centre	Tascona, Joseph N. (PC)
Oriole	Ouellette, Jerry J. (PC)	Simcoe East / -Est	McLean, Allan K. (PC)
Oshawa	Patten, Richard (L)	Simcoe West / -Ouest	<b>Wilson, Hon / L'hon Jim</b> (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Ottawa Centre / -Centre	Grandmaître, Bernard (L)		Bartolucci, Rick (L)
Ottawa East / -Est	Guzzo, Gary J. (PC)	Sudbury	Martel, Shelley (ND)
Ottawa-Rideau	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Sudbury East / -Est	Ramsay, David (L)
Ottawa South / -Sud	Cullen, Alex (Ind)	Timiskaming	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Northern Development and Mines, Chair of the Management Board of Cabinet / ministre du Développement du Nord et des Mines, président du Conseil de gestion
Ottawa West / -Ouest	Hardeman, Ernie (PC)	Victoria-Haliburton	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of Health / ministre de la Santé
Oxford	Ruprecht, Tony (L)		Kormos, Peter (ND)
Parkdale	<b>Eves, Hon / L'hon Ernie L.</b> (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances	Waterloo North / -Nord	Arnot, Ted (PC)
Parry Sound	Johnson, Bert (PC)	Welland-Thorold	Doyle, Ed (PC)
	Stewart, R. Gary (PC)	Wellington	Skarica, Toni (PC)
Perth	Gravelle, Michael (L)	Wentworth East / -Est	<b>Harnick, Hon / L'hon Charles</b> (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Peterborough	Lalonde, Jean-Marc (L)	Wentworth North / -Nord	Kwinter, Monte (L)
Port Arthur		Willowdale	Lessard, Wayne (ND)
Prescott and Russell /			Pupatello, Sandra (L)
Prescott et Russell			Duncan, Dwight (L)
Prince Edward-Lennox-			<b>Palladini, Hon / L'hon Al</b> (PC) Minister of Economic Development, Trade and Tourism / ministre du Développement économique, du Commerce et du Tourisme
South Hastings /			Parker, John L. (PC)
Prince Edward-Lennox-			<b>Turnbull, Hon / L'hon David</b> (PC) Minister without Portfolio / ministre sans portefeuille
Hastings-Sud			Klees, Frank (PC)
Quinte	Fox, Gary (PC)		Sergio, Mario (L)
Rainy River	Rollins, E.J. Douglas (PC)		Kennedy, Gerard (L)
	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique	Wilson Heights	
	Conway, Sean G. (L)	Windsor-Riverside	
	Churley, Marilyn (ND)	Windsor-Sandwich	
		Windsor-Walkerville	
Renfrew North / -Nord		York Centre / -Centre	
Riverdale			
S-D-G & East Grenville /	<b>Villeneuve, Hon / L'hon Noble</b> (PC) Minister of Agriculture, Food and Rural Affairs, minister responsible for francophone affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales, ministre délégué aux Affaires francophones	York East / -Est	
S-D-G et Grenville-Est	<b>Bassett, Hon / L'hon Isabel</b> (PC) Minister of Citizenship, Culture and Recreation / ministre des Affaires civiques, de la Culture et des Loisirs	York Mills	
	Bradley, James J. (L)	York-Mackenzie	
St Andrew-St Patrick	Froese, Tom (PC)	Yorkview	
	<b>Leach, Hon / L'hon Al</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement	York South / -Sud	
St Catharines			
St Catharines-Brock			
St George-St David			

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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E.J. Douglas Rollins, R. Gary Stewart, Bob Wood  
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Dan Newman, Joseph Spina, R. Gary Stewart,  
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Sandra Pupatello, Bill Vankoughnet, Len Wood  
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Peter L. Preston, Joseph N. Tascona, Terence H. Young  
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Tony Ruprecht, Derwyn Shea, Frank Sheehan,  
Clerk / Greffière: Anne Stokes

### Resources development / Développement des ressources

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Vice-Chair / Vice-Président: Peter L. Preston  
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Brenda Elliott, Doug Galt, John Hastings, Pat Hoy,  
Bart Maves, Peter L. Preston  
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### Social development / Affaires sociales

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Vice-Chair / Vice-Président: Dwight Duncan  
Toby Barrett, Marion Boyd, Jack Carroll, Annamarie Castrilli,  
Alex Cullen, Dwight Duncan, Tim Hudak, Frank Klees,  
Lyn McLeod, Lillian Ross, Bruce Smith  
Clerk / Greffière: Donna Bryce



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